RERUM BRITANNICARUM MEDII ÆVI SCRIPTORES,

OR

CHRONICLES AND MEMORIALS OF GREAT BRITAIN AND IRELAND

DURING

THE MIDDLE AGES.

THE CHRONICLES AND MEMORIALS

OF

GREAT BRITAIN AND IRELAND

DURING THE MIDDLE AGES.

PUBLISHED BY THE AUTHORITY OF HER MAJESTY'S TREASURY, UNDER THE DIRECTION OF THE MASTER OF THE ROLLS.

On the 26th of January 1857, the Master of the Rolls submitted to the Treasury a proposal for the publication of materials for the History of this Country from the Invasion of the Romans to the Reign of Henry VIII.

The Master of the Rolls suggested that these materials should be selected for publication under competent editors without reference to periodical or chronological arrangement, without mutilation or abridgment, preference being given, in the first instance, to such materials as were most scarce and valuable.

He proposed that each chronicle or historical document to be edited should be treated in the same way as if the editor were engaged on an Editio Princeps; and for this purpose the most correct text should be formed from an accurate collation of the best MSS.

To render the work more generally useful, the Master of the Rolls suggested that the editor should give an account of the MSS. employed by him, of their age and their peculiarities; that he should add to the work a brief account of the life and times of the author, and any remarks necessary to explain the chronology; but no other note or comment was to be allowed, except what might be necessary to establish the correctness of the text.

The works to be published in octavo, separately, as they were finished; the whole responsibility of the task resting upon the editors, who were to be chosen by the Master of the Rolls with the sanction of the Treasury.

The Lords of Her Majesty's Treasury, after a careful consideration of the subject, expressed their opinion in a Treasury Minute, dated February 9, 1857, that the plan recommended by the Master of the Rolls "was well calculated for the accomplishment of this important national object, in an effectual and satisfactory manner, within a reasonable time, and provided proper attention be paid to economy, in making the detailed arrangements, without unnecessary expense."

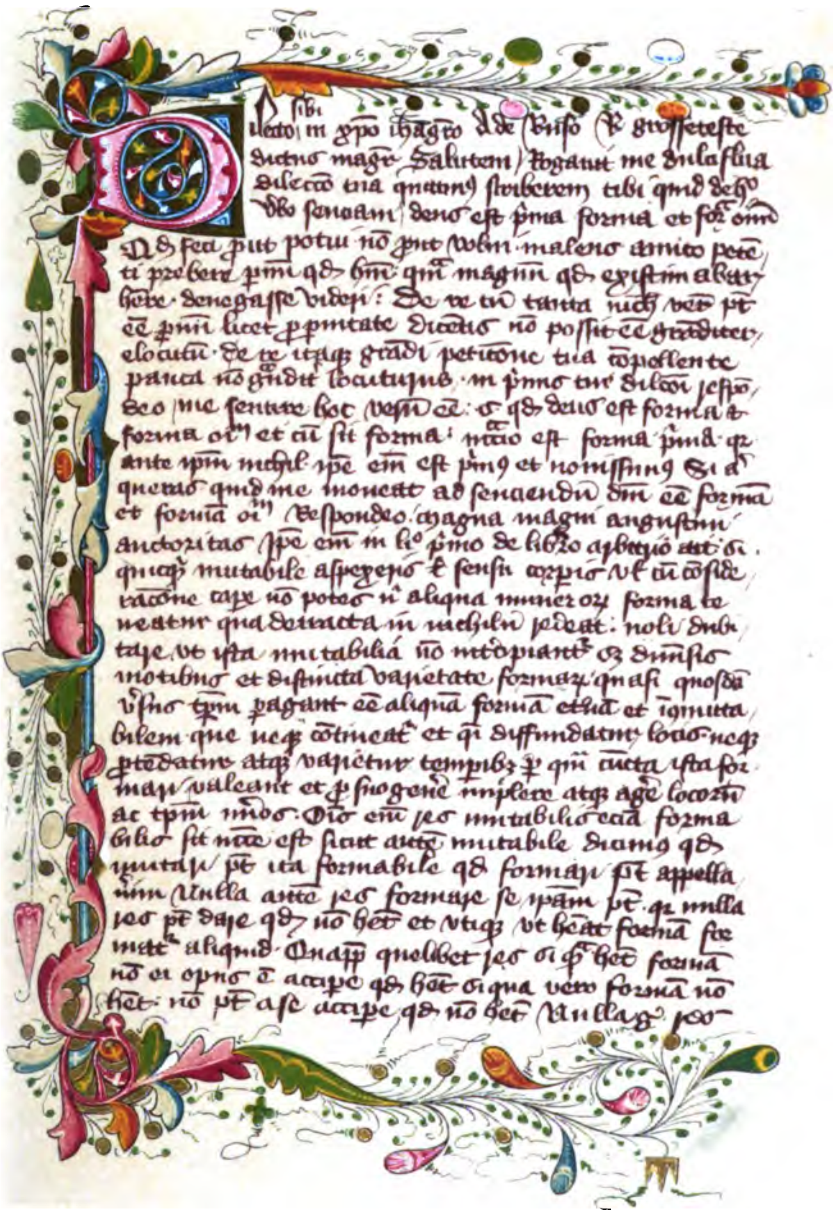
They expressed their approbation of the proposal that each chronicle and historical document should be edited in such a manner as to represent with all possible correctness the text of each writer, derived from a collation of the best MSS., and that no notes should be added, except such as were illustrative of the various readings. They suggested, however, that the preface to each work should contain, in addition to the particulars proposed by the Master of the Rolls, a biographical account of the author, so far as authentic materials existed for that purpose, and an estimate of his historical credibility and value.

Rolls House,
December 1857.

ROBERTI GROSSETESTE

EPISCOPI QUONDAM LINCOLNIENSIS

EPISTOLÆ.



Roberti Grosseteste Epistolæ.

MS. C.C.C. CANTAB. 453 f. 1.

Day & Son, Lithrs to the Queen.

ROBERTI GROSSETESTE

alias Grosthead, or Grouthead (Lat. Capito)

EPISCOPI QUONDAM LINCOLNIENSIS

EPISTOLÆ.

EDITED

BY

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PUBLISHED BY THE AUTHORITY OF THE LORDS COMMISSIONERS OF HER MAJESTY'S TREASURY, UNDER THE DIRECTION OF THE MASTER OF THE ROLLS.

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ERRATA.

Page 3, l. 10, "in forma mea, veritate tua." So all the MSS., and the printed editions of S. Augustine. But the printed edition of this letter (Ven. 1514) reads, "forma me in veritate tua."

Page 64, l. penult., *for* "Rogero" *read* "Roberto."

Page 71, margin, *for* "Martin de Barton [?]" *read* "Alardus."

Page 114, l. 10, *for* "archiepiscoporuum" *read* "archiepiscoporum."

Page 146, l. 6, for "*Lincolniensis*" read "*Lincolniensi.*"

Page 168, ll. 4, 8, *for* "Thomam, Thomas," *read* "Theobaldum, Theobaldus." *See* p. 319. The MSS. have Th. in p. 168.

Page 171, margin, Graham, *i.e.*, Grantham.

Page 202, l. 22, *for* "nobisimetipsis" *read* "nobismetipsis."

Page 203, margin, *for* "S." *read* "D."

Page 286, l. 6, "utramque conventionem." *i.e.*, one at Old Temple (p. 259), and the other at Thame (p. 289).

Page 290, margin, *for* "1240 ?" *read* "1241 ?"

Page 346, margin, *for* "1240 ?" *read* "1246 ?" See the table of contents.

Pages 348, 351, 353, margin, *for* "1245 ?" *read* "1246 ?"

PREFACE.

PREFACE.

THERE is scarcely a character in English history whose fame has been more constant both during and after his life, than ROBERT GROSSETESTE, Bishop of Lincoln from 1235 to 1253. As we find his advice sought universally during his lifetime, and his example spoken of as that which almost all the other prelates of his day followed, so was it also after his death. If threats from Rome and excommunications from Canterbury fell harmlessly upon him while alive, his example nerved others in subsequent years,—as in the case of Sewal[1], Archbishop of York,—to bear even worse attacks without giving way. And probably no one has had a greater influence upon English thought and English literature for the two centuries which followed his time; few books will be found that do not contain some quotations from LINCOLNIENSIS, "the great clerk Grostest." Nor even with the change of thought that ushered in the sixteenth century do we find his fame forgotten. Richard of Bardney's[2] metrical life of him was written in 1503

Estimation in which Grosseteste has been held.

Gower.

[1] Matt. Par. p. 956, whose words are very remarkable: "Archiepiscopus, exemplo B. Thomæ martyris et exemplo ac doctrina B. "Edmundi, quondam magistri sui, "informatus, necnon et B. Roberti "episcopi Lincolniensis fidelitate "eruditus, de solatio cælitus mittendo minime desperavit, omnem "papalem tyrannidem patienter sustinendo."

[2] Printed in Wharton's *Anglia Sacra*, ii. pp. 325–341.

—foolish and worthless as this is, it shows the estimate in which he was even then held. Or to come to later times, the great rebellion saw his *De Cessatione Legalium* first printed, although, to use the words of the preface[1], "the name of bishop is held "in disgust; people think Italy is to be exterminated, "because the Pope rules there, and the river Tiber "is scarcely pardoned because it passes by Rome." Later in the same century, Brown, in the Appendix to the *Fasciculus Rerum Expetendarum*, made publick almost all that has hitherto been published both of his correspondence and his sermons, and the close of the last century saw the only attempt at anything like an elaborate account of his life by Samuel Pegge. Many abortive attempts had been previously made both to write his life and to collect his works. Bishop Barlow of Lincoln, Samuel Knight, author of the Lives of Colet and Erasmus, Anthony Wood—collected materials for the former. As to the latter, the statement has been frequently repeated, that Archbishop Williams (who also had been Bishop of Lincoln) intended to collect all his works and publish them in three folio volumes. Nor has he been neglected by the historians and biographers of literature; Leland, Bale, Oudin, Tanner, Fabricius, all devote elaborate paragraphs to the lists of his voluminous works.

How universal was his genius these lists will amply prove; but to show how extraordinary his powers were thought by his own age,—an age, be it remembered,

[1] "Episcopi nomen, per sæcula "augustum, ipsique religioni "Christianæ coævum, jampridem "sorduit: quicquid Romanum est, "etiam ipsa lingua Romana, super"stitionis damnatur; eo usque, ut "non desint nonnulli adeo suis "furiis agitati ut Italiam fere ip"sam exterminandam putent, quia "Papæ subsit, et vix amni Tiberi "ignoscant, quia Romam præter"fluat." Preface to Grosseteste's *De Cessatione Legalium*. Lond. 1658, p. 5.

that knew Thomas Aquinas and Albertus Magnus [1],—it may be well to produce some few contemporary opinions. Let us first take Roger Bacon, himself probably second in universality to none. He says of him, "Solus unus scivit scientias, ut Lincolniensis episcopus" (*Opus Tertium*, ed. Brewer, p. 33); or again, "Solus dominus Robertus, propter longitudinem vitæ et vias mirabiles quibus usus est, præ aliis hominibus scivit scientias" (*Compendium Studii*, p. 472).

Roger Bacon.

Tyssyngton.

Or to take a very different writer, Tyssyngton (in Shirley's *Fasciculi Zizaniorum*, p. 135) speaks of, "Lincolniensis, cujus comparatio ad omnes doctores modernos est velut comparatio solis ad lunam quando eclipsatur." And indeed, though his life, as Bacon remarks, was a long one, yet the number and variety of the works attributed to him make it difficult to conceive how a man of such active habits and in such constant occupation could have found time to master, far more to write, so much. Doubtless many books and tracts have been fathered upon him, as is so continually the case with voluminous writers of the middle ages. Thus, the tract *De Dignitate Conditionis humanæ*, which he himself quotes (p. 10) as if from S. Augustine, is included in some lists of his works. So also are the *Oculus Moralis* of Archbishop Peccham, and the *Stimulus Conscientiæ*, which was written in the middle of the following century, by Richard Rolle of Hampole (a writer who in his turn has had a large proportion of the literature of his time attributed to him); while, on the other hand, the *Parvus Cato* (or Pety Caton, as Fabyan, p. 336, calls it,) is found in some MSS. of the twelfth century.

[1] Grosseteste died in 1253; Aquinas in 1274; Albertus Magnus in 1280; and Bacon, who had been a pupil of Albertus Magnus, certainly after 1292.

Still, after making every allowance for his being credited with much to which he has no claim, there remain so many undoubted works which proceeded from his pen as fully to justify the expression of the writers quoted above; for besides his sermons and lengthy theological works, we find a large number on both physical and mental philosophy, commentaries on Aristotle and on Boethius, translations from the Greek (besides the undoubted translations which are known to be his, he is said by Boston of Bury to have translated Suidas), French poems [1], works on husbandry, to say nothing of such treatises as the *De Cessatione Legalium*, or those published among the Letters in the present volume; and perhaps after reading the list we may not be surprised at some writers of a later date attributing to him powers more than human, and adding to all the above, treatises on magick and astrology, and ascribing to him the fabrication of the brazen head and the infernal horse. Nor should we forget that besides a knowledge of Greek and Hebrew, at that time very rare in England, he possessed also at least considerable knowledge in medicine, as we find stated in the letter of Giraldus Cambrensis introducing him to the Bishop of Hereford (Brewer's *Giraldus Cambrensis*, i. p. 249), and to this a love of musick and skill on the harp must be added.[2] In spite of all this, in our own time his

His works.

[1] Polycarp Leyser, *Historia Poetarum et Poematum Medii Ævi*, p. 996, attributes to him the "Disputatio "Metrica inter Corpus et Animam," which is published among the *Poems attributed to Walter Mapes*, Camd. Soc., pp. 95–106, and some verses: "De civilitate morum," beginning "Stans puer ad mensam."

[2] The following extract from Robert de Brunne's English version of Grosseteste's *Manuel des Peches* is given by Warton, *History of English Poetry*, i. p. 61, and is also given in Pegge's *Life of Grosseteste*, p. 362.

"Y shall you tell as I have herd
"Of the bysshop seynt Roberd;

fame has chiefly rested on a single letter,[1] resisting an appointment to a canonry at Lincoln attempted to be made by the Pope; and his character has suffered or gained from this in the estimation of many moderns, according as their feelings have led them to consider that everything that the Pope did must of necessity, or could not by possibility, be right. Thus, while one writer speaks of the letter which Grosseteste wrote on this occasion as having "made his name immortal," another says that in consequence "the story of his "life has become a mythic embodying of the principle "of opposition to the see of St. Peter." But his character will be more truly understood after reviewing his life and times, and seeing what was the work he laid before himself to do, and how far this was accomplished.

" His toname is Grosteste,
" Of Lyncolne, so seyth the geste.
" He lovede moche to here the
" harpe,
" For mans witte yt makyth
" sharpe;
" Next hys chamber, besyde his
" study,
" Hys harpers chamber was fast
" the by.
" Many tymes, by nightes and
" dayes,
" He hadd solace of notes and
" layes.
" One askede hem the resun why
" He hadde delyte in mynstrelsy:
" He answerde hym on thys
" manere
" Why he helde the harpe so dere:
" 'The virtu of the harpe, thurgh
" 'skyle and ryght
" 'Wyll destrye the fendys
" 'myght;
" 'And to the cros by gode
" 'skeyl
" 'Ys the harpe lykened weyl,'"
&c.

[1] It is somewhat remarkable that this letter is in none of the MSS. which contain the collected Letters of Grosseteste, unless, indeed, it was in the Cotton MS., now destroyed, from which Brown printed. Still the fact that Matthew Paris gives it as Grosseteste's must remove any doubt as to its genuineness. It has been excessively popular at all times, as besides Matt. Paris and the Burton Annals, there is a very large number of MSS. which contain it, together with Innocent's letter; and besides the editions of Paris, it has been printed at least six times.

Position in English history.

Grosseteste has been styled one of the harbingers of the Reformation. If this means that by his determined endeavours to raise the character of the clergy, the zeal with which he strove against abuses, his unceasing opposition to all improper presentations,—from however high a source they originated,—his sense of the awful responsibility of his office, his anxiety for the study at Oxford of the Scriptures above all other books, and his efforts to prevent the clergy from usurping functions that would lead them away from their clerical duties, he led the way towards that event, it is certainly true. But if it implies that he had any tendency towards the doctrinal changes then brought about in the Church, or that he evidenced any idea of a separation of the Church of England from that of Rome, a more utterly mistaken statement has never been made. He was essentially a man of his own time, feeling vividly what were the great causes which were disturbing the Church and lowering the character both of clergy and people, and he eagerly seized and directed the means which the age offered towards the removal of these causes, and the improvement of the condition of the country. If judged from this standard and with this in view, there is scarcely a character in English history that stands higher. But to judge him by the ideas prevalent in the sixteenth century, or to expect to find him influenced by similar motives to those which were influencing men's minds then, is to do him great injustice; and such a view of his character can only arise from ignorance of the actual facts.

Reign of Henry III.

The reign of Henry III. was a critical time for the Church and people of England. The same year that brought to a conclusion the disastrous reign of John, was also fatal to the most illustrious of the Popes,

Innocent III. At this time more than half the country was under allegiance to Louis of France, and the prospects of the young king Henry, then a mere child of nine years old, were far from promising. The new Pope Honorius III. foresaw hence a means of establishing still more firmly the Papal power in England, and, by espousing the cause of Henry in opposition to that of Louis, through the agency of the legate Gualo,—who probably did singly more than all the rest to recover to Henry the allegiance of the kingdom—earned a claim of gratitude from the young king, of which he was not slow to make use. Nor did these feelings pass away in later years. As long after this as the year 1245, we find Henry expressing the debt of gratitude which he owed to the see of Rome for thus securing to him his kingdom. In a style more dignified than we should expect from him, he said to Grosseteste, who had been speaking of the obedience and fidelity due to the Pope (Innocent IV.) and the Church of Rome: "My Lord "Bishop, what relates to our crown and royalty we "determine to preserve uninjured according to our "duty; and our hope is that the Pope and the "Church will lend us their aid in this, and you may "be assured that always and in all respects we shall "show all obedience, fidelity, and devotion to the "Pope as our spiritual father, and the holy Roman "Church as our spiritual mother; to them will we "firmly adhere, both in prosperity and adversity; "on the day when we do not do this, we consent to "lose an eye or even our head; God forbid that "anything separate us from devotion to our spiritual "father and mother. For besides all the reasons "which affect us in common with other Christian "princes, we are above all others bound to the Church "by an especial reason; for just after our father's death, "while still of tender age, our kingdom being not only

Influence of the Pope in England.

Letter of Grosseteste to Pope Innocent IV. cxvii. p. 338.

"alienated from us, but even in arms against us ('non "'solum a nobis averso, sed et nobis adversanti'), "our mother the Roman Church, through the agency "of Cardinal Gualo, then legate in England, re-"covered this kingdom to be at peace with and "subject to us, consecrated and crowned us king, "and raised us to the throne of the kingdom." These feelings, if so strong then, would of course be more powerful in his earlier years; nor were the Popes slow to take advantage of them. From this resulted what was the crying abuse of the Church of England of that day,—namely, the number of Italian ecclesiasticks beneficed in England, many, if not all, ignorant of the language and habits of the people[1], and frequently utterly unfit by education, age, and habits of life for the situations into which they were thrust; and secondly, the large sums demanded from the clergy as subsidies towards the expenses of the Crusades[2]. To what an

[1] A curious remark is made by Eccleston, *De Adventu Minorum*, illustrating Grosseteste's feeling on this point. He desired a friar to provide six or seven clerks from abroad, whom he could benefice in his diocese, to preach by example, though they could not speak English; "thus showing," says Eccleston, "that he refused to "institute those whom the pope "nominated and the nephews of the "cardinals, not because they were "ignorant of English, but because "they sought only after temporal "things." Eccleston, p. 64. But in one of his latest letters (p. 443) he makes this ignorance of English an especial charge against the foreigners beneficed in England. See also below, p. lxxvi.

[2] Dr. Milman (*Latin Christianity*, iv. p. 213), speaking of the sources of papal revenue from England in this reign, mentions, beside the above, "the ancient payment of "Peter's pence," and "the 1000 "marks, the sign and acknowledg-"ment of feudal vassalage, stipu-"lated by king John." But the first of these was not peculiar to the time, and the second was an arranged payment, which, however distasteful to the country, could not be regarded in the same light as the other two. Indeed, Dr. Milman adds that, "during the whole reign "of Henry III. and later, no ques-"tion seems to have been raised of "the Pope's right."

extent the first of these was carried we shall see in speaking of Grosseteste's computation of the amount received by Italians in England. In 1231 it led to a disturbance of considerable importance, in which an attack was made on them, some of the most dignified of the Italians being imprisoned, and one, John de Ferentino[1], Archdeacon of Norwich, to whom two of the letters in the present volume are addressed, only escaping by concealing himself in London. The tax for the Crusades was always collected with difficulty; we find even Henry III. writing angrily to the bishops, who were collecting it from the clergy and regulars, and expressing his astonishment and indignation that they had ventured to do this against his distinct commands. We have the answer of Grosseteste to this letter, stating in very decided terms that, instead of there being any cause for astonishment at the bishops collecting the tax, there would be justly much more both of astonishment and indignation if they refused to do it. He speaks of the reverence necessarily due from the bishops to their spiritual father and mother (as if recalling the king's own words to him, quoted above), and that especially at a time when the Pope was in exile, and threatened by the emperor. The position of the bishops between the two opposing powers was always a very difficult one, and still more so in the reign of a weak king like Henry III., who could not be depended upon to support them even if they embraced his cause; and this led to their carrying out the more readily the exactions of the Pope. Matthew Paris has seen and expressed this clearly,

Matt. Par. p. 708.

Letter cxix. p. 340.

[1] See the accounts of this in Pegge's *Life of Grosseteste*, Appendix xviii. p. 364; Milman's *Latin Christianity*, iv. p. 215. Dr. Milman calls him John of Florence. This is an error of Wendover's, iv. p. 231; though previously, iii. p. 187, he had called him by his right name.

when he points out the dangers of the Church of England between Scylla and Charybdis, the Pope and the king. "Many of the prelates," he adds, "fearing the king's "instability in this determination and the pusillanimity "of the royal counsellors, favoured the Pope's cause, al- "though they must have seen that by such expenses the "Church could not gain, but must incur heavy loss." During this reign the Pope seems generally to have obtained the subsidy demanded, with however much discontent it may have been paid. But under the sway of a more vigorous prince, such as Henry's son and successor, a very different state of things, though perhaps even more disastrous to the clergy, was brought about. Then we find the king exacting, and the Pope protesting against the exactions, and at last in the well-known bull "Clericis laicos," formally forbidding the clergy to pay the king's demands. The seizure of all their lay fees, and the whole body of clergy being put out of protection, were the results, whence, to use the words of the contemporary historian, "clericalis "ordo vilissimus et vilior plebe reputabatur."

Matt. Par. p. 709.

Bart. Cotton. *a.* 1296, p. 322.

But if, either from seeing the hopelessness of making a stand against papal exactions with the support of a king so little to be depended upon as Henry III., or from an idea that the Pope, as the spiritual head of Christendom, demanded no more than his right, Grosseteste's influence was thrown into this rather than into the opposing scale,—with regard to the other great abuse of the time, the filling the English benefices with foreigners or otherwise unfit persons at the nomination of persons of influence either in Italy or England, no one could have acted with greater straightforwardness or determination. Englishmen and foreigners, if he knows them to be unfit persons, are alike rejected; and this is the case with all indiscriminately, however great their patrons may have been. The nominees of English nobleman, Roman cardinals,

the king, and the Pope meet with the same fate. And in his rejection no little skill is frequently brought into play that as little offence may be given as possible. He knows how important it is to preserve the rights of patrons, and therefore only interferes when higher claims come in. Sometimes he is obliged to temporize, sometimes to offer to provide for the applicant's *protégé* by some other means,—occasionally to give way altogether. But if ever the persons to whom he has thus once submitted presume on an easy victory afterwards [1], he soon makes them feel that they will lose their labour. On one occasion, that of an application from the all-powerful cardinal legate Otho, with whom he seems to have been on very intimate terms, after using various arguments against the institution of the person presented, he refers the case to Otho's own conscience, and leaves it to him to decide. How frequently and often shamelessly these applications were made these Letters afford ample proof. And the influence brought forward to bear upon the bishop was often such as must have made refusals very difficult. Thus we find Otho's influence used to obtain a benefice for a lad under age and not yet in orders (p. 151). Immediately on his election to his bishoprick, a deacon was presented to him not tonsured, dressed in scarlet clothes and jewelled, a layman, or rather soldier, in dress and manners; soon afterwards a boy "videlicet adhuc ad Ovidium epis- "tolarum palmam porrigens" [2] (p. 63). On another occa-

[1] In Letter xlix., p. 145, he mentions that since his consecration a nephew of the Pope was promoted to one of the best prebends at Lincoln. Dr. Milman finds a difficulty here, apparently from expecting this to be a nephew of Innocent IV. (*Latin Christianity*, iv. p. 364, note *d*.) But the Letter was written in 1238 probably, and while Gregory IX. was Pope.

[2] Does this mean "a boy still in "his Ovid?"

sion he is asked to admit to the living of Stamford on Avon a person "omnino fere illiteratus" (p. 204). And judging from the numerous instances of which we find mention in these Letters, of similar requests addressed to a prelate whose character and determination must have been so well known, how many more must there have been made to others, in whose case it was only to ask and have? And still more so in the instance of such prelates as were Italians themselves, and whose prejudices would naturally be in favour of their countrymen. This would incline us to form a sad picture of what, to a great extent, must have been the condition of the Church of England at the time, even had we not direct testimony that the natural result did actually follow from such presentations. And I think we shall thus get the true idea of the well known "sharpe pistle" of Grosseteste (cxxviii.) to the Pope, refusing a canonry at Lincoln to his nephew Frederick di Lavagna. It was rather his youth and unfitness for the post, than that he was the Pope's nephew and nominee that caused his rejection. Indeed, no one can exceed Grosseteste in his reverence for the papal power, and for Innocent IV. in particular, as shown in several of the other Letters in the present volume.

Higden.

Infidelity in Europe.

But there were other influences at work at this time that affected the rest of Christendom as well as England, and tended to make the work of an English prelate a very arduous one. The Crusades had brought the influence of Saracen thought and Saracen tastes into Europe[1], and these combined with the other infidel tendencies of the age,—the Manichæism which certainly gained strength from the increased intercourse between east and west[2],—were bearing their natural fruit in

[1] See Mr. Brewer's Preface to *Monumenta Franciscana*, p. x.

[2] Ibid., p. xxxix.

spreading unbelief throughout Christendom. Added to this, the study of Aristotle, introduced through translations[1] from the Arabick, and with commentators like Averrhoes, had doubtless the same tendency with many minds. And though on the one hand fire and sword had been unsparingly used, and on the other (though somewhat later) the great efforts of the schoolmen were directed to reconciling Aristotle with Revelation, yet the poison had to some extent done its work, especially in England. The influence of the emperor Frederick II., suspected, if not actually guilty, of the worst infidelity, and his terrible struggle with the see of Rome, must have added no little weight to the same scale. Now the chief means that the age afforded for struggling against and resisting these tendencies were the rise and influence of the two orders of friars, the Franciscans and Dominicans[2]. The use to be made of these Grosseteste seems to have seen at once, nor was he slow to avail himself of them, especially of the former. Their first establishment in England took place in September 1224, and as we find them almost immediately after (November)

The Franciscans and Dominicans.

Eccleston, pp. 5, 9.

[1] Compare what Roger Bacon says upon this point: "My Lord "Robert, formerly the Bishop of "Lincoln of holy memory, entirely "neglected the books of Aristotle "and their modes of reasoning "(vias eorum) . . . and knew and "wrote those things about which "the books of Aristotle teach a "hundred thousand times better "than can be learnt from the "wretched translations of Aristotle "himself. The bishop's works on "the rainbow and on comets prove "this." Though this probably refers to the scientifick works of Aristotle, especially as we find Grosseteste quoting the Ethics frequently, he goes on to say: "Had "I the power over all the books of "Aristotle [*i. e.* translations], I "would have them all burnt, as it "is only waste time, and the cause "of error to study in them."—*Compendium Studii*, p. 469.

[2] See Wood, *Hist. et. Antiq. Univ. Oxon.*, p. 62. As regards the Franciscans, see Brewer, as above quoted. My only object is to show Grosseteste's connexion with them.

settling at Oxford, we can have little doubt that it was through Grosseteste's influence and invitation, as he was at that time probably resident there, if not actually chancellor, and as he became their first rector. The Dominicans had previously established themselves there in 1221. His affection for both the orders was very great, and continued through life. Thus, on entering on his bishoprick, we find that almost his first request was that he might have two of the friars with him, a request repeated frequently as regards both orders; and later he appears as insisting on the importance of members of these two orders as *latera* to the Archbishop of Canterbury [1]. In some of the Letters in the present volume he bears very remarkable testimony to their great zeal and usefulness. Thus, writing to Gregory IX., he says: "Your holiness may be "assured that in England inestimable benefits have "been produced by the friars; for they illuminate our "whole country with the light of their preaching and "learning. Their holy conversation excites vehemently "to contempt of the world and to voluntary poverty, "to the practice of humility in the highest ranks, to "obedience to the prelates and head of the Church, "to patience in tribulation, abstinence in plenty, in a "word, to the practice of all virtues. If your "holiness could see with what devotion and humility "the people run to hear the word of life from them, "for confession and instruction as to daily life, and "how much improvement the clergy and the regulars "have obtained by imitating them, you would indeed "say that *they that dwell in the land of the shadow "of death, upon them hath the light shined.*" In

Wood, i. 62 = i. p. 192.

Epist. lviii. p. 180.

[1] See Adam de Marisco's Letter cxi. p. 242, where he mentions that the Bishop of Lincoln had allowed a certain sum for the expenses of the Friars Minors at their chapter of Gloucester.

similar terms he speaks of them to Cardinal Raynald, afterwards Pope Alexander IV., at a time when there was great danger from some internal cause to the order,—"unius hominis effrænata voluntate occasionem "vel causam præstante,"—which I am inclined to suppose refers to the disputes in the chapters of the order relating to the twice deposed minister-general Helias. See Eccleston, pp. 44–47. On another (probably earlier) occasion he writes to Alexander de Stavensby, Bishop of Lichfield, who had spoken bitterly against them because they wished to live at Chester in company with the Dominicans: "Your discretion "knows how useful the presence and intercourse "of the Friars Minors is to the people with whom "they dwell, since both by the word of preaching "and the example of a holy and heavenly conver- "sation, and the devotion of continual prayer, they "are indefatigable in causing peace and in illumi- "nating the country, and in this part supply in a "great measure the defect of the prelates [1]." The difficulty seemed to be a fear that the alms of the city would not be sufficient for the Minorites and the Dominicans together, and that the Dominicans had first occupied the ground. The Dominicans, however, never obtained the influence in England or the hold upon the people that the Franciscans did [2]. On one occasion Grosseteste endeavoured to arrange, though without effect, a mission of the Franciscans to Denmark.

Epist. lix. p. 182.

Epist. xxxiv. p. 120.

A. de Marisco, Epist. viii. p. 91.

The parochial clergy.

Another reason for his patronage of the new religious orders was the state of the parochial clergy

[1] There seems a hint here that the Bishop of Lichfield's duties were not performed as diligently as they might be; but *prælati* means the clergy holding preferment as well as the bishops. The friars were generally disliked by the bishops; see Adam de Marisco's Letter from Lyons on this subject, ccxiii. p. 377, and also by the parochial clergy. See p. 317 of the present volume.

[2] See the account of the quarrel between the two orders in Matt. Par. p. 611.

and the capitular bodies of his time. A darker picture of the condition of the people, owing to the neglect and even to the example of the clergy, can scarcely be found than what we have traces of both in some of these Letters, and in those of his friend Adam de Marisco[1]; and though in the case of a man so conscientious and earnest as Grosseteste, his language probably rather exaggerates than underrates the abuses of his diocese, yet that can have been no slight cause which called forth such language as the following (the passage will scarcely bear translating): "Nos . . . . . tam multiplicia mala, tam gravia, tam "deformia, tam fœda, tam flagitiosa, tam facinorosa, "tam scelerata, tam sacrilega populo Christi cruore "redempto universaliter inesse et inhærere ex neglectu "rectorum, ex incuria pastorum, et, quod heu flendum "est potius quam scribendum, *ex exemplo pessimo* "*et pernicie rabida et impudenter ubique serpente*, "cernimus evidenter."

Capitular bodies. The capitular bodies at this time claimed to be independent of the bishop, asserting that the power of visitation over the chapter was vested in the dean, and that the bishop had no right of visitation, except in cases where appeal was made to him, or of culpable negligence on the dean's part; and no small portion of Grosseteste's episcopate was spent in vindicating his rights on this score. Almost all parties were likely to be against him; his quarrel with Lincoln would of course excite the observation of every chapter in the country. Nor would the bishops of necessity be on his side; there were certainly some only too glad to be spared the burden of the visitation of powerful bodies like their chapters; and besides, if the bishop had this right over the chapter, the archbishop would

[1] "His diebus damnatissimis" are the words of the latter in a letter to Grosseteste, xxvi. p. 116.

have a similar right over the bishops[1]; and, as he asks, what bishop will allow that? Indeed, at the very time of his own quarrel, a cause was still *sub judice* on this very question of visitation between the Archbishop of Canterbury and Bishop of London. After he had determined to refer the matter to arbitration, the difficulty was to find impartial judges. Who in England, he asks, would dare by his decision to offend all the chapters in the country? What person, who is subject to bishops, will be willing to decide in favour of the power of visitation, when scarcely one can be found who is ready to submit to the inspection of his superior? However, in spite of delays and opposition, the bishop carried the case before the Pope at Lyons, and was triumphant. It is very remarkable that, throughout his letters and pamphlets on this question, he always allows the power of the Pope to give exemptions from the bishop's visitatorial power, though he must have felt that most of the evils of the monasteries sprang from this cause.

Monasteries.

Nor was he less strenuous in the case of the monasteries, making them the subjects of his visitation equally with the other parts of his diocese. In many instances the rule was kept in anything but a stringent manner; and though there is little evidence[2] of more than general laxity and ease where there should have been strictness and close attention

[1] This is Grosseteste's own argument (see p. 257), though it appears a *non sequitur*. And indeed later in his life he joined the other bishops in resisting an attempt of this very description from Archbishop Boniface. See below, p. lxxv.

[2] In two letters in the present volume (pp. 168, 319) mention is made of the immorality of certain monks of Minting. But to say nothing of these being from a foreign monastery, the way in which they are spoken of would incline us to believe the case was an exceptional one. Indeed, the parochial clergy seem to have been far more guilty in this respect than the regulars. See Grosseteste's Constitutions for his diocese (Letter lii.*, p. 154), where the parish clergy are especially spoken of as keeping *focariæ* in their houses.

to the services, yet the monks were very far from being the helps in the diocese that might have been expected by an active prelate like Grosseteste. The fact that so many benefices were in the hands of the monasteries, who received the rectorial tythes, and appointed a vicar[1] to serve the parish, made constant inspection still more necessary.

It would appear then that by his patronage of the two orders, and especially that of the Franciscans,—while at the same time he weakened if not destroyed the independence of the capitular and monastick bodies,—he hoped to carry out his reforms, expecting by the teaching and example of the friars to shame the secular clergy into greater energy of practice and purity of life. But there was another agency to be employed, to which he looked for effecting more to withstand the growing infidelity of the age than all besides—I mean the University of Oxford, with which he has identified himself in a great measure during his whole life. Sent there at an early age, he felt the immense influence such an institution might have over the country, and he apparently never lost sight of this. And when convinced that it was through the friars that the reformation was to be worked, his energies were devoted to spreading their influence through the agency of Oxford. Thus, soon after becoming doctor, he became the first lecturer to the Franciscans settled there, and one Chronicler has stated that he only left this occupation on his appointment to his bishoprick. That he was chancellor[2] for

University of Oxford.

[1] The first endowed vicarage in the country is said to have been Leysdown, in the Isle of Sheppey, about the beginning of the thirteenth century. On the subject of vicarages see Pegge, *Life of Grosseteste*. Appendix No. vii. p. 322. From a passage in the Dunstable Annals, i. p. 312, it appears that Grosseteste met with considerable opposition in his endeavours to increase the values of the vicarages.

[2] It must be remembered that the chancellor was always resident, director of the studies of the whole University.

some years during that interval is certain. And afterwards, when as Bishop of Lincoln he was the diocesan to the Oxford scholars, we find many examples of his continued interest in them; disputes and quarrels were referred to him as the final arbiter, and the direction of their studies was still in a great measure in his hands. In the very interesting letter which is extant addressed to the Regents at Oxford, Paris, which he probably had known well himself, is pointed out to them as their model. But he writes chiefly to tell them that the Scriptures must be the basis of all their teaching. He argues upon the importance of not mistaking non-fundamentals for fundamentals; and as the morning hour at which they ordinarily lecture is the best time for inculcating the latter, he exhorts them to take all their lectures, especially at that time, from the Scriptures; all else *ab hagiographis patribus superœdificatœ doctrinœ*, to be taught at another time. His influence at Oxford, as also in the episcopate, was felt long after his death; in the struggle between the king and the barons, which Grosseteste did not live to see, the University was decidedly on the side of his friend, the great leader of the popular party, Simon de Montfort.

Study of Greek and Hebrew.

How far this influence tended towards inducing others to study Greek and Hebrew it is impossible to say; we may at least trace Roger Bacon's knowledge of the former language to him. It is lamentable to think that the Greek books which chiefly occupied Grosseteste's attention were the wretched forgeries of the *Testamenta duodecim Patriarcharum* [1] and the Pseudo-

[1] How completely this was received as genuine Scripture may be seen by the way it is quoted by Grosseteste, p. 351. Brown (*Fasciculus*, p. 394) seems to have been completely puzzled by this. His remark is: "Cum ego lectori indi-" caverim tot S. Scripturæ locos [not nearly so many, by the way, as he ought to have pointed out] "oro ut is mihi indicet hunc "unum." See Pegge's *Anonymiana*, Cent. iv. 37, p. 101.

Dionysius Areopagita. Bacon many years afterwards speaks of there being many among the Latins who could speak Greek, Hebrew, and Arabick, while there were not four who understood the grammar. Opus Tertium, pp. 33, 34.

Struggle between the Pope and the emperor.

Of the great struggle between the Pope (Innocent IV.) and the emperor (Frederick II.) there are not many allusions to be found in the bishop's letters. He speaks, however, in answer to the king's objection to the subsidy being collected for the papal requirements, of the Pope and the Church (p. 341) being "exilio "relegatos, persecutionibus et tribulationibus undique "coangustatos," in a letter written while the Pope was still at Lyons, after the excommunication of the emperor and when the war had openly broken out. Grosseteste, however, evidently embraced the papal cause with eagerness, and, it may be, thus determinedly carried out the Pope's directions for raising a subsidy on this occasion[1] both from believing it his duty to support the Pope, and from horror of Frederick as being an unbeliever. Indeed, the idea of the unity of the Church was strong enough to force all ecclesiasticks, almost of necessity, to rally round the Pope as their head. This is the true key to the feeling respecting the Crusades,—the great object was rather conversion of the Saracens than the establishment of the temporal kingdom at Jerusalem. Thus, Peter de Rupibus, Bishop of Winchester, says (Matt. Par. 1238, p. 472): "When "we shall have come to those who remain of Christ's "enemies, we shall slay them and purify the face of "the earth, that the whole world may be subject to

[1] "All the vast wealth which" Innocent "still drew, more especi- "ally from England, was devoted to "this great end" [the election of Henry of Thuringia in place of the deposed Frederick]. . . . "The "greater princes still stood aloof; "the prelates espoused, from reli- "gious zeal, the papal champion; "among the lower princes and "nobles the gold of England "worked wonders." Milman, *Latin Christianity*, iv. p. 339.

" one Catholick Church, and become one fold and one " shepherd." And thus, however much the Emperor had actually done in Palestine, it all went for nothing when men saw what he had done in Europe, especially with the reputation of infidelity, which was probably pretty generally believed. How strong was the feeling respecting the conversion of the Saracens, we may see in the history of S. Francis himself; and later, at the Council of Lyons, a number of friars were selected to go at once and preach to the Saracens. Adam of Oxford ended his days on his way thither some years before; and even Grosseteste himself expresses his readiness and even eagerness (*hilari et jocundo animo*) to go at the Pope's command to the farthest regions of the Saracens for this end, in spite of his weakness and poor health.

The laws concerning bastardy.

Among the points illustrative of the social condition of the time which these letters display may be mentioned the condition of the laws respecting persons born before the marriage of their parents. The common law treated all such as bastards, while they were legitimate by the canon law. Grosseteste, in a very elaborate series of arguments addressed to W. de Raleigh, (afterwards Bishop of Norwich and of Winchester, then a judge in the king's court,) endeavours to convince his correspondent of their legitimacy and the consequent wrong of the civil law on this point. He writes in very earnest terms to persuade him to have the civil law brought into harmony with the ecclesiastical law, that, as he says, he may so "snatch the king, and himself, and the " other secular judges of the kingdom from the " burning of eternal fire [1]." His correspondent seems

[1] That this was a very popular view of the question is shown by this letter being extracted in full in the common MS. entitled "Ex- " cerpta ex Epistolis R. Grosse- " teste."

to have been rather indifferent about the matter. However, whether he was convinced or not, the prelates, who brought forward this question at the Parliament of Merton in 1236, could not, as is well known, persuade the Barons to alter the law.

The Jews. The condition of the Jews we find on more than one occasion occupying Grosseteste's attention. Their usurious oppressions seem to have reached a frightful extent; and we find the University of Oxford obtaining a royal privilege to limit their exactions in cases of loans to the students (see below, p. lxix.) His opinions on the whole question of their condition may be seen by his letter to the Countess of Winchester. See below under the year 1231 (p. xxxv.)

The liberties of the Church. The attacks on the liberties of the Church form the subject of a lengthy letter or rather pamphlet (Epist. lxxii.*), to be found in the present volume. Grosseteste's great grievance, and one to which he frequently recurs, was the appointment and acceptance of the office of justice itinerant by abbats or by other ecclesiastical persons. He apparently felt this more strongly than the other bishops of his time, as we find him complaining that he could not get the archbishop to move in the matter. He writes on one occasion to the archbishop on this point, evidently determined not to give way, though he knows the offence he will give the king, and the risk he personally runs. The compelling clerks to submit to the lay tribunals, when it is doubtful whether the cause be ecclesiastical or lay, and this doubt is settled by the lay courts, is another grievance of which he complains heavily. Uzzah and Uzziah furnish warnings to the king, of which he makes continual use. The difficulty of getting Magna Charta carried out, in spite of promises on the royal side and threatened excommunication on that of the bishops, is but too evident from many passages in these letters.

I turn now to the life of this great man, the materials for which are furnished chiefly by Matthew Paris, the Dunstable Annals, his own letters and those of Adam de Marisco. My endeavour has been to give each event, as far as possible, in chronological sequence under each year, as thus both the letters in the present volume and the general history of the time will be best understood. Life of Grosseteste.

The exact date at which ROBERT GROSSETESTE[1] was born is a matter of conjecture, the only authority being the letter of Giraldus Cambrensis introducing him to William de Vere, Bishop of Hereford. The latest date for this letter is 1199, when the bishop died. From the title *magister* given to him by Giraldus, Pegge concludes that he was then a regent in arts, and at least 24 years of age. Though this cannot be depended upon, yet from the way that Giraldus speaks of him, and of what he had done and could do, we cannot suppose him to have been then a very young man. If we take this estimate, the most probable date[2] is 1175, or a year or two earlier. He was born, according to Matthew of Westminster, at Stradbrook[3] in Suffolk, and probably of humble parents[4]. Though this has been denied, yet if the His birth. Matt. Westmonast. p. 354.

[1] The different forms in which his name occurs may be seen in Wood, *Hist. et Antiq. Univ. Oxon.* i. p. 81=i. p. 198; Pegge, Appendix, p. 294. The usual Latin form is *Capito.*

[2] He speaks of himself in a letter written about 1238 as *corpore debilis*; and the Pope in the year 1253 calls him *senex*, besides which Roger Bacon especially speaks of his long life. *Compendium Studii*, p. 472. The date 1175 cannot be far wrong.

[3] Richard Bardney, the author of the metrical life which Wharton has printed, written in 1503, says he was born at Stowe; but his authority is absolutely nothing, the whole life being a mere tissue of fables. He represents him as a boy begging at Lincoln, and being charitably entertained and sent to school there by the mayor, and thence to Cambridge.

[4] "De ima gente Suthfolciæ, "Northwicensis diœcesis, originem "traxit." Nicholas Trivet, p. 242. Capgrave mentions that he was

story told in the Lanercost Chronicle (p. 44) be true, we have his own testimony upon the subject. In answer to an earl, who expressed surprise as to where he learnt his courtly manners, considering what was his origin, he replied that it was quite true he sprang from a humble father and mother, but that from his earliest years he had studied the characters of the best men in the Scriptures, and had endeavoured to conform his actions to theirs[1]. What Matthew Paris mentions of the expression of the canons of Lincoln in the height of their quarrel with Grosseteste, that they regretted having raised a man of such humble origin to be bishop, ought to be decisive as to this.

Early life. Of his early life we know nothing, nor of his early career at Oxford, where he was sent by his friends. From Giraldus's letter it would appear that he studied both law and medicine, as he says he will be useful to the bishop "tam in negotiis vestris variis et "causarum decisionibus, quam in corporis vestri con- "ferendæ sanitatis et conservandæ curis." His introduction to the Bishop of Hereford took place most probably after he had graduated in arts. All hopes of rising in this quarter were cut short by the bishop's death in 1199. All modern writers and biographers state that from Oxford he went to Paris to finish his education. This of itself is very probable, from the number of Englishmen who resorted thither at that

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born in Suffolk. "Pauper," Gascoigne's *Theol. Dict.* v. Peccatum. "Genere quidem infimus," *Chron. Lanercost*, p. 43. "Simplici pro- "genie ortus," Id. p. 44. In modern times an attempt was made by Mr. Thoresby, of Leeds, to prove that he was of good family, and that his name was Copley; and an elaborate pedigree, going up to the Norman conquest, was found or invented for him. This is printed by Pegge, p. 298, who, however, saw its falsity and absurdity.

[1] Trivet seems to allude to this in saying, "bonam naturæ indolem "præceptis Scripturarum exercens, "produxit animum generosum," p. 243.

time; but there is no trace of it whatever in any Bulæus iii. p. 260. contemporary history. Bulæus indeed, the historian of the University of Paris, inserts his name in his "Catalogus illustrium Academicorum," and styles him "in Academia Parisiensi olim Professor insignis," but he does not give his authority. If he did study at Paris, it is probable enough that he there laid the foundation for his knowledge of Greek and Hebrew. But to say, as has been done, that his object was to perfect himself in the French language, and that to his stay there his French poems the *Chasteau d'Amour* and the *Manuel des Peches* are due, shows a strange ignorance of what was the court language in England at the time. The only thing like proof that I have been able to find of his ever having studied at Paris, is the direction to the regents at Oxford, when he was bishop, to follow the course of study pursued there, though this scarcely amounts to demonstration. At all events, he soon afterwards returned again to Oxford, graduated in divinity[1], and became master of the Hist. et Antiquit. Univ. Oxon. ii. p. 389. schools (*rector scholarum*), or chancellor[2]. Wood states that his name is not to be found in any catalogue, and thus the date when he held the office is quite uncertain; but the fact is proved by a paper in the registry at Lincoln respecting a quarrel between the Bishop of Lincoln and the University in 1294, which distinctly speaks of Grosseteste as having been chancellor.

Hist. et Antiq. Univ. Ox. ii. p. 9 = ii. p. 738. How long he remained at Oxford is equally doubtful. Wood speaks of his attending the lectures of Edmund of Abingdon, afterwards Archbishop of

[1] See Hearne, *Dunstable Annals*, i. p. 299.

[2] There seems to have been some jealousy about this title. Hugh de Wells, who was then Bishop of Lincoln, insisted on his being called simply *Rector scholarum* or *scholarium*, and not Chancellor. See Wood, ii. p. 389.

Canterbury, who lectured from 1219 to 1226; but he
1224. gives no authority for his statement. In 1224, at the request of Agnellus, the provincial minister of the Franciscans in England, he became their first rector at Oxford, and, according to the Lanercost Chronicle, continued in this office till his election to the bishoprick of Lincoln. Eccleston, to whom we owe the account of the first establishment of the Franciscans in England, speaks in very remarkable terms of his influence over them; under him, he says, "inæstimabiliter infra breve "tempus, tam in concionibus quam prædicationi con-"gruis subtilibus moralitatibus, profecerunt." Probably his commentaries on Aristotle were written at this time, and the foundation of his skill in preaching (see Wood, i. p. 59 = i. p. 179) laid. What his earliest ecclesiastical preferment was, it is difficult to say with certainty. Pegge gives him the archdeaconry of Chester in 1210, but the authority does not seem satisfactory for this. Bardney says he held the prebend of Clifton in Lincoln cathedral. He was certainly Archdeacon of Wilts in the years 1214 and 1220, as appears from the Salisbury registers, and may have exchanged this office for the archdeaconry of Northampton in 1221, which he held with the prebend of Empingham, which belonged to it. This again was exchanged for the archdeaconry of Leicester, which he probably held till 1231, when he resigned all his preferments excepting his prebend.

Hist. et Antiq. Univ. Ox. i. p. 71 = i. p. 195.

Eccleston, p. 37.

See Wharton, i. p. 457.

Ibid. ii. p. 333.

1225. In May 1225 he was collated by Hugh de Wells, Bishop of Lincoln, to the church of Albodesley (Abbotsley, in Huntingdonshire), which had been vacant since November 1224.[1] While Archdeacon of Leicester

[1] This was "auctoritate concilii," *i.e.* the third Lateran Council of 1215, which gives the right of presentation of churches that have been vacant more than three months to the immediate superior. The notice of the collation is obtained from Hugh de Wells's Episcopal Roll, anno 16.

he contemplated a pilgrimage to Rome, and had obtained leave and made all arrangements for his departure, which was to have taken place on January 6, 1232, but the disturbances against the Italian clergy then broke out, and fearing reprisals if he went to Rome, "dum ex recentia injuriæ fervet furens libido vin-"dictæ," as he remarks himself, the bishop forbade his going. He also held the rectory of S. Margaret's, Leicester [1]. But if this was held with the archdeaconry, it was resigned at the same time. 1231.

The establishment of the *Domus Conversorum* [2] for the Jews in this year seems to have directed Grosseteste's thoughts to their condition, and to the proper treatment they ought to meet with from Christians. One of his letters, written to the Countess of Winchester, gives his sentiments on the subject. Simon de Montfort, it seems, had expelled the Jews from Leicester in order to put a stop to their oppression of Christians by their usurious practices, and the countess was inclined to allow them to settle on her property. He objects to this, but speaks very decidedly that princes are to defend their lives—(he was probably old enough to remember the frightful massacre that followed the coronation of Richard I.)—and while keeping them from oppressing by their usury, to afford them the means of an honest livelihood. Among other arguments for their toleration, one is that they are always witnesses to the truth of Christianity. Long afterwards, in writing to his archdeacons as bishop, he calls on them as much as possible to prevent close intercourse between Christians

[1] This appears from Grosseteste's Episcopal Roll, where, under anno 1, he is called "quondam rector S. "Margaritæ de Leicest."

[2] This is now the Rolls Chapel in Chancery Lane. See Pegge, *Life of Grosseteste*, p. 30, note c. It was not opened till 1233.

and Jews. It is most probable, as Pegge has remarked, that his treatise *De Cessatione Legalium,* (a controversial treatise written with the view of converting the Jews,) was published at this time.

1232. On November 1, 1232, he was seized with a violent fever, and possibly resigned his preferments in consequence, excepting his prebend at Lincoln. He writes with great satisfaction at his freedom from the burden of his archdeaconry, though some of his friends condemned his conduct very strongly. In the letter to Epist. viii. his sister[1] announcing his resignation, he writes as if he felt she, although a nun herself, would disagree with him; and in writing to Adam de Marisco, who seems to have been almost the only person who took his own view of his conduct, he speaks of the "acerbas objurga-"tiones, mordaces detractiones, et etiam a familiaribus "graves ad sustinendum contemptus." Indeed, from the language used at the end of this letter, he seems as if in considerable doubt himself as to how far his conduct had been right. In what manner he employed his time now there is no evidence to show—not improbably he was at Oxford, as he is known to have been there in 1234[2]; and possibly the leisure he now had attained was occupied in writing his mathematical works, or his ponderous *Dicta.* The only letter of this period of his life which we have is an earnest exhortation to a clergyman of evil life.

1235. In February 1235, Hugh de Wells, Bishop of Lincoln,

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[1] This sister, Juetta (or Ivetta), is the only one of Grosseteste's relations of whom anything is known. Adam de Marisco mentions her illness (p. 95), and death (p. 164), and asks the bishop's wishes as to the masses to be said for her.

[2] A mandate requiring the expulsion of all prostitutes from Oxford, orders all who remained beyond eight days, or any fresh ones that came, to be brought before either the Chancellor, Grosseteste, or Robert Bacon. Kennet's *Parochial Antiquities,* p. 217.

"omnium virorum religiosorum inimicus," to use the R. Wend. iv. p. 325. words of Wendover, died, and the chapter elected Grosseteste as his successor[1]. There was some difficulty about the place of his consecration. The monks of Canterbury claimed it as their right that he should be consecrated at Canterbury. The archbishop seems to have wished the consecration to be elsewhere; and Grosseteste, in a letter to the archbishop, expresses his feeling that for the sake of peace it would be better to give way to them, and his hopes that the archbishop will do so, "unless for some reason that escapes him, "his consecration could not take place at Canterbury without sin." However, the archbishop, for some reason of his own, was firm, and the monks were prevailed upon to consent to his being consecrated Wendover, iv. p. 325. elsewhere, on the understanding that it should not be used as a precedent. He was consecrated at Reading on June 3[2].

The diocese of Lincoln was then by far the most extensive in the country; it contained the archdeaconries of Lincoln, Leicester, Stowe, Buckingham, Huntingdon, Northampton, Oxford, and Bedford. Grosseteste more than once speaks of its enormous size and populousness. He at once endeavoured with all his energies to reform all the abuses that had been allowed to exist under the laxer rule of his predecessors; and in a letter to the archdeacons of the diocese, and afterwards in the Constitutions which were issued to

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[1] Mr. Brewer (Preface to *Giraldus Cambrensis*, p. lxxxvii.) mentions that there was some talk of electing Giraldus to the vacant bishoprick. But as he must have been then over eighty, even if alive at the time, which does not seem likely, it is not a very probable story.

[2] The Lanercost Chronicle says Sept. 29; the Winchester Annals (Wharton, i. p. 307), and Wikes, p. 43, say June 17. The date above given is Wendover's. The *congé d'élire* had been issued Feb. 19, 19 Henry III.; the election took place March 27; and the temporalities were restored to him April 16.

the beneficed clergy, directs them to put down all games and parish processions tending to strife and bloodshed, drinking bouts, the gluttonous proceedings at funeral feasts, and desecration of churches and churchyards by their being used for games; they are also directed to forbid all private marriages, to warn mothers and nurses from overlaying their children at night, then apparently a frequent cause of death to children. In the Constitutions he directs his attention especially to the clergy [1], though the points above mentioned are also included. The "feast of fools" is directed to be abolished altogether. He soon after presented a report on the state of the diocese to the Pope, and wrote to two or three of his friends to look over and correct it before finally sent. At Rome he kept a proctor constantly residing, and we continually find him writing to some of the cardinals with a view to their favouring his business.

1236. Nor was his energy confined to words. Within Dunstable Annals, p. 230.
a year of his consecration we find him visiting the monasteries of his diocese, and removing no less than seven abbats and four priors.[2] Perhaps his severity on this, the first occasion of his visitation, may have something to do with the unwillingness of his own chapter to submit to his visitation. The same year he Wood (ed. 2), i. p. 220.
was at Oxford, in obedience the king, helping to allay a quarrel between the clergy and townspeople. The
1237. next year (1237) he was present with the other

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[1] From his mentioning that all married clergy were to be deprived, it appears that there were still a considerable number of the clergy married.

[2] "In visitatione sua, amovit ab-" "bates de Leycestre, de Osolfes-" "tona (Owston), de Torotona" "(Torrington), de Notele (Nutley)" "de Brunne (Bourne), de Dorke-" "cestre, de Messendene; et Priores" "de Sancta Frideswida, de Calde-" "nortone et de Bradwelle et de la" "Lande; et alios eorum loco sub-" "stitui procuravit." — *Dunstable Annals*, anno 1236, p. 230.

bishops in the great council of the Church of England held in London in November under the presidency of the cardinal legate Otho. It was on this occasion that the attempt was made to deprive pluralists of all their benefices but one, to which such strong opposition was shown by Walter de Cantilupe, Bishop of Worcester. The canons which were then discussed and determined on, seem long to have been the principal rules for the Church of England. The severity of his visitation, or possibly the fear of some who expected they would be the next to suffer, led to an attempt upon his life, as we learn from Matthew Paris (p. 440), by poison, and he recovered with great difficulty. Long afterwards, mentioning the illness of the Earl of Gloucester from poison (p. 974), Paris speaks of his having been cured by John de S. Giles.

It was in consequence of the regulations determined 1238.
on at this council that he sent his Constitutions through the diocese; they embody very much the points discussed there, and about which he had also written to his archdeacons. Neither the Constitutions of the council nor those of the bishop give a satisfactory picture of the state of the clergy at the time. There are several of them referring to certain points of ritualism which are extremely curious. Thus the clergy are cautioned against using vinegar for the eucharist; they are to take care that the canon be duly corrected,—whether this refers to the carelessness of the scribes who copied out the service books for each church cannot be decided. He expressly directs also the excommunications pronounced at the Oxford Council in 1222 to be repeated each year in the churches.

Nor did he hesitate to inquire into the condition of the monasteries. One letter written about this time speaks of the wretched condition of the monks of Minting, a cell of Fleury; and in a second, the bishop writes to the parent abbey, with an entreaty that a fit

person may be sent to replace the previous prior. But indeed the alien priories seem generally to have been in a worse state than the English monasteries, as not being sufficiently under discipline.

Though his more immediate connexion with Oxford had of course ceased on his accession to the bishoprick, yet, as the diocesan, he still exercised a watchful supervision over the University, and on several occasions was able to extend a powerful protection over the scholars. Thus, in the very serious riot that took place in the present year,—when the legate Otho was at Oxford, and what first seemed to be merely a squabble between his servants and some of the scholars, ended in an attack on the legate himself, and the ringleaders were seized and imprisoned in the Tower,—Grosseteste offered mainprise for them; and afterwards, when he had obtained their release, he excommunicated in the presence of the legate and the king all who had laid violent hands upon the clerks. It is curious to find among those who owed their release to him, the name of Odo de Kilkenny, who was proctor for the chapter of Lincoln at Rome during the quarrel with Grosseteste.[1] It was probably some years after this that he gave directions respecting the University chest, requiring it to be kept at S. Frideswide's.

Matt. Par. p. 469. Burton Annals, p. 290.

Wood, i. p. 90.

Wood, i. p. 149 = i. p. 374.

We find mention of his having consecrated several churches in September of this year—Ramsey, Peterborough, and Sawtry; he also (Nov. 21) assisted at

Matt. Par. p. 481. Wharton, i. p. 349.

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[1] Otho, in the first burst of his resentment, put the whole University under an interdict, and excommunicated all its members, including the Chancellor, Simon de Boville, prior of the Dominicans. It was on this occasion that the scholars threatened to leave Oxford, but were prevented by the king. Can Grosseteste's letter (No. lxxvi.) to Otho, about his having absolved a clerk who had been excommunicated by the latter, have anything to do with this affair?

the consecration of Richard of Wendover, Bishop of Rochester, at St. Gregory's, Canterbury.

This strenuous visitation stirred up opposition; and in the following year the serious misunderstanding with his chapter, which became a quarrel which lasted for six years, and was at length only quieted by the decision of the Pope himself, took its rise. The bishop felt it to be very unsatisfactory, that while so much in the diocese wanted a thorough reform, and therefore he required the aid of all the clergy of his diocese, there should exist an *imperium in imperio*, a body of men joined by common interests, who declined to submit to his jurisdiction, and who besides might stand in need of correction or visitation as much as all the rest. They spoke of his claim to visit them as one that had never been previously made from the earliest times. No doubt an easy-going bishop such as Grosseteste's predecessor might be willing to let things take their chance, and so to save himself the trouble of visitation; but they had now to do with a very different prelate. The case, while dragging on its slow length, excited a great deal of attention in the country, each diocese feeling that these proceedings would settle the whole question for itself also; and no little scandal was excited by its long continuance. Thus we find the Dean and Chapter of Salisbury (Grosseteste had been, be it remembered, Archdeacon of Wilts), expressing this to the bishop himself, and beseeching him to make peace. Adam de Marisco, also, one of Grosseteste's most intimate friends, says that many with reason take ill this terrible dissension between the bishop and his subordinates.

1239.

A. de Marisco, Epist. xlii. p. 146.

At first it appeared as if the question would be easily settled; Otho seemed to think he had only to present himself before the contending parties to arrange the whole matter, and wrote to Grosseteste to stay all proceedings till he should arrive. An ap-

P. 252. Annal. Dunst. p. 239.

peal was first made to Canterbury, but neither in this case nor in others does the archbishop seem to have acted with energy[1]; and it soon became evident that the question was too important to be settled by any one but the Pope. The chapter began by blustering and talking of an appeal to the Pope, and actually (it would seem secretly from the way Grosseteste speaks of it, p. 252) had an agent at the Roman court against him. They, too, seem to have been the first aggressors, issuing a mandate to the vicars and chaplains ministering in the prebends and churches belonging to the chapter to disobey the bishop if he attempted to visit them. On their refusing to recall this, the bishop suspended the dean, precentor, and subdean from entry into the cathedral church. The account of what followed will be best given in his own words: "On September 7. I told the dean and chapter that "I should visit the chapter, armed not only with the "ordinary authority, but also with that of the Pope, "on the Thursday after October 18. I began then "almost immediately to visit certain prebends; but "all the canons having been summoned by the dean "and chapter to meet on October 7. in the chapter-"house at Lincoln, and having held a discussion on "the aforesaid proceedings on the following Sunday "from the pulpit in the cathedral ('habito tractatu . . . "'ad pulpitum in ecclesia Lincolniæ'), they obtained "leave from the people to go to the apostolick see; "and having entered an appeal against the injuries "which, as they said, I was doing, and endeavouring "to do to them, the dean, precentor, chancellor, trea-"surer, and several other canons at once started for "Rome. They sent also the usual messengers and

[1] Grosseteste, in a letter written probably at this same time, p. 262, complains of his having no support from the archbishop in the question of preventing ecclesiasticks from acting as itinerant judges.

"letters to all the chapters of canons of the cathe-"dral churches in England, and leagued all things "against me, all the populace being also excited "against me as against an injurer and a malefactor. "Nevertheless, I came to Lincoln church on the day "that had been appointed for holding the visitation "in the chapter; but I found there neither canon "nor vicar, nor any of the ministrants of the cathe-"dral, all having studiously withdrawn themselves "at my arrival. On this I at once went up to "London, having been summoned by the archbishop "on certain important matters of his see[1], to meet him "on November 3. When the dean and those who "were with him on the way to Rome heard that I "was to be in London on that day, they waited there "for me, in order that, as they said, they might treat "of peace with me, many of the canons of Lincoln "coming together to this meeting for the purpose." He goes on to speak of his own feelings as to the right course to be pursued, and elaborately goes through the reasons for and against suspending and excommunicating them at once; those against the excommunication being the excitement and scandal such a proceeding would cause in the country, and the danger of the death of the old canons on their way to appeal to Rome; while the reasons for at once proceeding to extremities arose from the danger of giving up truth through the defect of ecclesiastical discipline. He at last decided upon a middle course,—to refer the matter to judges chosen by the two parties,—though he seems to have considered the difficulty of finding impartial judges a very great one; and after two proposals to the dean and chapter had been rejected by them, they at last assented to a third, which was to apply to the Pope to commit

[1] This perhaps refers to the dispute which Paris (p. 484) mentions the archbishop had with his monks.

the whole question to the Bishop of Worcester and the Archdeacons of Worcester and Sudbury, who were either to decide themselves on the whole question, without allowing any appeal, or after the cause had been sufficiently investigated, by a certain day to be named by the Pope, to submit it to him to be finally settled, each party in the meantime ceasing from exercising any visitatorial power. The bishop seems to have thought the business now at an end; he wrote at once to the Pope, begging his consent to the arrangement, and in a letter to Otho at the same time expresses his satisfaction that they have at length been able to come to terms.

Matthew Paris, who, as belonging to the rich monastery of S. Alban's, is very jealous of episcopal interference, writes as a thorough partizan of the canons; and though not stating the whole arrangement quite correctly, comments on this last clause as being unfair to the canons. "For," he says, "the bishop never did "visit, nor can he cease who has never begun, any more "than Diogenes can lose the horns he never had; "whereas the dean, by ceasing from his power to "visit, if only for an hour, would be deprived of an "actual possession; whence murmurs were multiplied "and a great scandal arose. The quarrel having "reached a very angry pitch, the canons did not "permit the bishop to enter the chapter or to make "any visitation over them; and they regretted ex-"tremely that they had put over themselves such a "bishop of so humble an origin, and this they pub-"lickly expressed in the bishop's presence. After a "great disturbance and heavy expenses spent to no "purpose on both sides, an appeal was made to the "Pope, the chapter appointing Odo de Kilkenny as "their proctor." It would appear from this that the arbitration, thus decided upon, proved a failure, as, indeed, the Dunstable Annals say in so many

Matt. Par. p. 485.

Dunstable Annals, p. 239.

words[1]. That the question was made the subject of the canons' sermons in the cathedral, we learn from a story told by Paris. While complaining of the bishop's oppressions, one of them added, *If we were to be silent, the stones would cry out;* on which a large portion of the church fell down[2].

Matt. Par. p. 485.

Throughout the quarrel one is inclined to side with Grosseteste, if only from the tone in which he writes. He is always anxious for peace,—a peace upon right principles, and therefore more likely to be lasting,—and he continually offers to alter any part of his conduct that could be proved wrong. We can have little sympathy with a body of men who could reproach the bishop with his humble origin. It would be tedious to go through the whole affair, especially as only one side of the question is before us, and that but very partially to be gathered from the bishop's letters. It seems to have been referred to other arbitrators at a later period, of whom the Bishop of Ely, Hugh de Northwold, and his official, Richard de Kirkham, were the chief. The chapter in the meantime had been resorting to underhand means to induce the king to interfere on their side, and endeavoured to get the whole business transferred from an ecclesiastical to a civil tribunal, in which case they would, as Grosseteste tells them, have incurred excommunication. He speaks

[1] I am not sure as to what the Annalist precisely refers. His words are: "Tandem, mediantibus "amicis convenerunt, ut com-"munes nuncios mitterent ad Pa-"pam . . . Sed infecto negotio "nuntii redierunt." This looks rather as if the Pope refused to admit the proposed arbitrators.

[2] The *Dunstable Annals* tell us what part of the church this was that fell. "Facta est ruina muri "Lincolniensis ecclesiæ secus cho-"rum, post sedem decani;" and add that three men were buried under the ruins. Afterwards the choir "celebravit ante majus altare offi-"cium diurnum et nocturnum, do-"nec circumquaque columnæ et "arcus firmarentur." P. 239.

also of their violating promises, given in the most solemn manner. Excommunications on both sides followed, Grosseteste excommunicating Nicolas, the proctor of the chapter, and the chapter doing the same to his dean. In the meantime the suspension of William de Tournay became a deprivation[1], and Roger de Weseham succeeded. As he was always an intimate friend of Grosseteste, it is not easy to see how he was elected in the heat of the contest, as the chapter had the appointment of the dean. Pegge's idea is, that the chapter "could not approve nor "willingly acquiesce in Dean Tournay's deprivation, "and upon that footing would probably refuse to "proceed to the election of another person in his "place. This, of course, would produce a devolution "to the bishop, who, taking the advantage, as we may "rationally suppose he would, collated his friend Dr. "Weseham, and had him immediately installed." **Life of Weseham pp. 8, 9.**

The appointment does not seem to have furthered the bishop's cause to any great extent, as the chapter would not give way, and at length, as we shall see, the question was only settled by an appeal to Rome.

Adam de Marisco in one of his letters (xlii. p. 146) hints that masters (*domini*) had better always study

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[1] The date of Weseham's appointment to the deanery of Lincoln, so important for the chronology of this quarrel, I have not been able to discover, in spite of considerable research. It has been the custom to say that it was 1239, but that appears to have arisen from treating De Tournay's *suspension* as if it were a *deprivation*, and supposing the deanery actually filled up at once. The earliest time I have found his name mentioned as dean is in Grosseteste's roll, 5 Kal. Jan. ann. pont. 9, *i. e.* Dec. 28, 1243. As one of Grosseteste's reasons for getting Weseham made Bishop of Coventry in 1245 is said to have been (Matt. Par. p. 661) that he had been long wishing to separate the living of Aylesbury from the deanery, it looks as if he had been dean some time.

to be loved rather than feared by those about them; and that ecclesiasticks are to be rather fathers of the poor than princes of the people. Possibly there may have been a harshness in Grosseteste's manner or mode of proceeding, though certainly no sign of this is visible in the letters he wrote to them. Indeed, the very curious and lengthy argumentative letter (or rather pamphlet) which he addressed to them on the subject is a very remarkable evidence to the contrary, its tone being most moderate throughout. It is a very singular specimen of the mode of thought of the time. And if the arguments seem weak and fanciful to us now, it should be remembered that not only are they such as appeared weighty to Grosseteste, but also such as he expected would influence the chapter, and thus give a curious insight into the mediæval mind. The thorough familiarity with the Old Testament is, perhaps, only what we might expect; but the use which is made of the actions of all the characters of Scripture, and the forced and sometimes outrageous way in which they are introduced to illustrate his argument, show how thoroughly "biblical" the age was, and how completely the Old Testament history was regarded rather as the guide of men's conduct in Christian times, than as a mere historical record of past events. I have given an analysis of it in the table of contents; but one specimen may be mentioned here. Grosseteste is endeavouring to prove that the bishop, in delegating a portion of his authority to the chapter, does not resign it altogether, and, as an illustration, instances the condition of man in Paradise. God especially delegated to the angels the care over man; but when he sinned, God Himself interfered and punished, not leaving it to the angels to do it.

Epist. cxxvii.

At the same time it cannot be denied that he acted frequently without sufficient consideration; an instance of this occurs this very year or it may be 1240.

a little earlier.[1] On going to Hertford, he demanded hospitality from the priory as a right, instead of asking it as a favour. The monks construed this into a denial of their privileges, and therefore refused to admit him. The following day he suspended the churches of the seculars in Hertford. However, on the legate's blaming him for this, he at once relaxed the sentence. Matt. Par. p. 879.

The same year, 1240, is remarkable for the audacious attempt of the Pope to attach the Roman citizens to him by giving them English benefices; and Paris,—who was especially indignant that the benefices to be given away were chiefly those belonging to the monasteries—says that the Pope sent to the archbishop and the bishops of Lincoln and Salisbury, requiring them to provide for three hundred Romans in the first vacant benefices, and suspending them from giving away any benefices till that number was provided. "Unde," says the historian, "stupor magnus corda "hæc audientium occupavit; timebaturque quod in "abyssum desperationis talia audens (*i.e.* the Pope) "mergeretur." Indeed, the archbishop in despair exiled himself, and went to Pontigny, and died at Soissy the same year. What was Grosseteste's conduct we are not told. He had, before this, obtained a papal privilege by which he was exempted from providing for any one at the command of the Pope, unless especial mention was made of that privilege; and this to a certain extent protected him, as we shall see on a particular occasion. The same year he held a visitation of the monastery of Dunstable, and extorted an oath from each monk, which drove one of them away altogether. It is to this year also that Wood puts down Ibid. p. 532. Dunstable Annals, p. 244. Wood, p. 91 = i. p. 230.

[1] This must have been while Otho was in England, and therefore before Jan. 7, 1241.

the letter which Grosseteste wrote to the regents at Oxford respecting the study of the Scriptures.[1]

The next year Nicholas de Farnham, who was beneficed in Lincoln diocese, was elected by the monks to the bishoprick of Durham; but he declined it, on the ground that he had previously refused that of Coventry, as he was unwilling to accept a richer diocese when he had refused a poor one. His consent at last was obtained by Grosseteste's influence. Paris has preserved the arguments he employed; the chief is that arising from the character of the king. "The king," says Grosseteste, "cannot refuse his consent to your "election, unless he is absolutely foolish (*nisi manifeste desiperet*). But if you do not consent, he "will, by some stratagem of his own, appoint some "foreigner, or unworthy and ignorant man, to the "destruction of the ecclesiastical dignity and the "danger of the whole kingdom, as the bishoprick of "Durham is on the confines of England and Scotland; "and the castles of the bishoprick, namely Norham "and Durham, are the bulwarks of England in that "region against the attacks of all enemies." 1241. Matt. Par. p. 550.

The bishop was involved this year with several parties, one of whom was the king himself, besides his own chapter, on the subject of ecclesiastical appointments. With the Abbat of Westminster, Richard de Berking, he disputed the right of collation to the vicarage of Ashwell in Hertfordshire. Matthew Paris says he wished to reduce it to his own uses, and to seize violently upon the church. Probably Pegge's suggestion is the correct one, that he "did not mean "to retain the rectory, but only to ordain a vicarage "there." At least this is the way in which the quarrel was settled; the church (*i.e.* the rectory, I Ibid. p. 570.

[1] See, however, the table of contents to the letters, p. cxxix.

suppose) being appropriated to the abbat, while the presentation to the vicarage was retained by the bishop. The quarrel with the king was more serious, and at one time threatened to change Grosseteste's whole career. On the vacancy of the prebend of Thame in Lincoln cathedral, he conferred it on the bishop of Durham's penitentiary, Simon de London, whom he had probably known when he was Archdeacon of Wilts, and the Bishop of Durham (Poore) was at Salisbury. The king in the meantime, by the aid of a papal provision, admitted to it John Mansel, a clerk of his own, "prudens et fidelis," according to Paris. As Grosseteste had the above-mentioned privilege from the Pope, he had the less difficulty in his opposition; and John Mansel, who seems to have been a respectable man,—being unwilling to embroil the two parties, and terrified at Grosseteste's threat of excommunication,—absolutely resigned the benefice into the king's hands. Grosseteste, who appears to have been very angry (*aliquando secus quam deceret impetuosi* are Paris's words), threatened to go into exile, *episcopatu suo interdicto;* and the king, whom any serious opposition always frightened, gave way, and the affair was compromised by his giving Mansel the church of Maidstone, and soon after the church of Hoveden[1]. It was on this quarrel being made up, that the king, who, with all his faults seems to have been anxious for peace[2], quieted that between Grosseteste and the Abbat of Westminster, mentioned before.

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[1] See A. de Marisco's Letters, p. 185, and Brewer's Appendix, p. 634, where a full account of this affair will be found. There seems to have been a second dispute about it on its next vacancy. Adam especially says that Mansel had resigned absolutely, and had never any possession of the prebend.

[2] "Il re della semplice vita, "Arrigo d'Inghilterra."—Dante, *Purgatorio*, vii.

The quarrel with the chapter still continuing, they made this year a bold attempt to carry their ends by exhibiting a forged narrative of the restoration of the
Matt. Par. p. 571. church and see of Lincoln. Paris, who has preserved this, and mentions it as if genuine, introduces it with the words: "Some of the canons who were present in " London were so wearied and injured by the bishop, " that they were obliged to display a paper and to make " known its contents in publick." The point of the document is that the bishoprick of Lincoln, the seat of which was before the Conquest at Dorchester, having come to an end through the faults of the bishop [1], was restored by William Rufus, and a new church founded, the arrangement being made that in all causes connected with it, the ultimate appeal was to be to the king. The object, of course, was to try and get the king to interfere, as with a royal foundation; but the clumsiness and absurdity of the document are so great, that it can have imposed upon no one, and it appears to have produced no results at all. It gives a melancholy view of the virulence of Matthew Paris's party spirit, that he could even pretend to treat this as genuine.

The close of the year 1241 must have seemed a very dark time to all who desired the welfare of the church. Celestine IV., elected Pope in September, had died in a fortnight, and the Church was still without a head. Though Boniface had been elected to Canterbury, he had not been confirmed, and the Church of England was in the same condition. The year, to use the

[1] "Tunc præsidentis," *i.e.* I suppose, immediately before the Norman conquest. But there is no use criticising such nonsense. See Pegge, Appendix No. xiii., who has pointed out all its absurdities. He says, "it must have been drawn " up either by some of the lowest " and meanest of the canons, or " some worthless agent or other." P. 353.

words of Paris, had proved most inimical to the court of Rome, its sins evidently bringing this about; disgraceful to the Holy Land, through the conduct of the Templars, and sad and fatal to the nobles of England. The emperor, who had carried his arms to the very gates of Rome, seemed the cause of all. Accordingly several of the English bishops, of whom Grosseteste was one, met under the presidency of the archbishop of York, and determined to send an embassy to the emperor, to urge him to lay aside his tyranny, and to allow the Church opportunity to breathe freely and recover itself; and at the same time they advised special prayer and fasting throughout the country. There was a difficulty about the messengers to be employed, as they were to travel through France and to endeavour to rouse the prelates there and in the other countries they should pass through, to act in a similar manner; but each as he was proposed excused himself, refusing to undertake a service of so great danger and toil. At last they chose the two orders of friars, as being of wandering habits (*vagi*), and familiar with the countries[1]. The attempt, however well meant, proved a failure, the emperor, when he received them, only breaking out into a tirade against the conduct of the Roman Church. "If I were," he asks, "an "obstructor of the prosperity of the English as well "as the Roman Church, who could wonder? The "latter is endeavouring by all means to hurl me down "from the imperial power; the former, by excommu-"nicating as well as defaming me in no slight degree, "ceases not to spend its money to my injury." Matt. Par. p. 577.

[1] The Minorites seem often to have been employed in services of this kind, and in some even more secret and dangerous than these. In 1243 two Minorites were hanged by the emperor, who were carrying letters by order of their superiors to excite war among certain nobles, chiefly against him. Matt. Par. p. 604.

Matt. Par. pp. 597, 835. The next year Grosseteste, with the assistance of one 1242. Nicholas[1], a Greek, and clerk of the abbey of S. Alban's, employed himself in translating the "Testaments of "the Twelve Patriarchs," a spurious work, the knowledge of which he owed to John of Basingstoke, archdeacon of Leicester, who had seen or heard of the book at Athens. How great a sensation was produced by the publication of this worthless book is shown by the fact of its being mentioned by almost every chronicler. Of Grosseteste's part in the translation I have already spoken. We may probably put down to this year the singular letter to his chapter (No. xcv., p. 296), written in what evidently seems purposely obscure language, and while he is unreconciled, to exhort them to make a common stand with himself against the attacks threatened by some one. This must, I think, refer to the king's exactions before he went into France
Ibid. p. 582. on May 15 in this year. Paris says that all who were unwilling to contribute were treated by the king as publick enemies, or vexed in various ways by his satellites, and that he gave up the whole of Lent to this object. Adam de Marisco's language, Letter xiii., p. 96 (probably written at this time from the mention of the bishop of Worcester as shortly about to visit Grosseteste), is very strong with reference to the king's conduct. We may also refer to this year the letter of Grosseteste in answer to the Bishop of Worcester's letter, asking for advice as to whether he should follow the king into France, as he had requested him to do. His affection for Adam de Marisco, and his respect for his judgment, are shown by the hesitation to give a final answer to this until he had seen him. He seems to

[1] Wharton calls him *Elicherus*, from a MS. in Trinity College Library [R. 5. 40.], *Anglia Sacra*, ii. p. 345, and Pegge, p. 162, repeats this. But this is a mere misreading, as the MS. has Nicholas written in an abbreviated form.

have written at once to him, if Letter xiii. of A. de Marisco's to Grosseteste be written, as seems likely, about this time. He also compelled the priory of Dunstable to take into their own hands their church of Hecham, which had been served by the canons of Esseby. Dunstable Annals, p. 258.

1243. As Boniface was still unconsecrated, the see of Canterbury was practically vacant, and the chapter of Canterbury took the opportunity of reviving their supposed claim to metropolitical power during the vacancy. This was the occasion of a serious embroilment between the convent and the bishop of Lincoln. A clerk, who had a dispute with the abbat of Bardney about a debt supposed to be owing to him, was persuaded by the archdeacon of Lincoln (Thomas Wallensis), who was desirous of weakening the power and pride of the abbat, to lay a complaint before him, and he engaged to obtain payment of the debt from the abbat, if necessary, by force. The archdeacon cited the abbat to appear before him, and when he declined to appear, cited him before the bishop. The abbat equally refused to acknowledge this authority, and Grosseteste at once excommunicated him. On the bishop's sending lay visitors to Bardney, to correct abuses, and, to bring the monks to submission, the door was shut in their faces, and the monks within were with difficulty restrained from laying hands on them. They returned to Grosseteste, made the best of their story and of the treatment they had received, and Grosseteste angrily threatened that he would bring ruin and confusion on the convent. Hearing that the convent of Canterbury claimed to hear appeals while the see was vacant[1], the abbat appealed to them, lay-

Matt. Par. p. 601.

[1] Matt. Paris, p. 601, and the Chronicler called Matthew of Westminster, p. 312, after him, say "vacante sede *Papali*;" but this is evidently a mistake for *Cantuariensi*.

ing a heavy complaint against the bishop. Grosseteste having brought together the bishop of Connor, and the abbats of Ramsey and Peterborough, at Hertford, at once proceeded to depose the abbat, as convicted and rebellious, and signified to the convent that they were no longer held to obey him in anything, but were to look upon him as deposed as well as excommunicate. The king then, as the abbacy was vacant, proceeded to seize on the temporalities; but his officer seems to have favoured the deprived abbat and his party, allowing them necessaries which were denied to the others. Grosseteste wrote to the king to complain of this, entreating that if a royal letter permitting it had been sent, it might at once be recalled; he warns the king not to interfere with the ecclesiastical power, and hints that he had better take warning by the fate of Uzzah, who perished for touching, even although reverently, the ark. But if he was indignant at his jurisdiction being denied, the conduct of the Canterbury monks was still more outrageous. As soon as they learnt the contempt with which the bishop had treated their privileges, they assembled fifty priests of the diocese, and in full convocation,—fifty or more monk priests being present, the candles being lighted and all the bells rung,—solemnly excommunicated the bishop of Lincoln, as ungrateful and rebellious to the church whose suffragan he was. The bishop's temper, as might be expected, was not improved by this proceeding. His anger was vented on the messenger who brought the sentence; he threw the letters on the ground, to the surprise of the bystanders, as the seal of the convent of Canterbury contained the effigy of S. Thomas Becket. "I do not "ask," he said, "that the monks should pray other-"wise for my soul for ever." To the sentence, as might be expected, he paid no attention whatever, continuing to celebrate, to dedicate churches, and to

exercise all his episcopal functions as usual. The bishop of Rochester was also excommunicated by the Canterbury monks at the same time. Dunstable Annals, p. 259.

Soon after this, on June 24, Innocent IV. (Sinibald di Fiesco) was elected Pope; and both parties appealed to him by special messengers. On August 23, Innocent issued directions to the convent to relax the sentence of excommunication without prejudice to either party within eight days from the receipt of his letter, or otherwise that the archbishop of York and the bishop of Durham should do it. This, however, Grosseteste considered would give a tacit sanction to the claim of the convent of Canterbury, and would be very derogatory both to the rights of the papal see, to which the bishops were subject directly while the archiepiscopal seat was vacant, and to the episcopal dignity. In a letter to cardinal Otho he urges these points very strongly, and begs that he will use his influence with the Pope to have this altered, hoping that the Pope would "compassionate and apply a remedy to the "tribulation and manifold oppression of the bishops of "England; as unless," he goes on, "a strong support "is speedily applied to the episcopal authority, there "is great reason to fear that the house of the "Church of England, built upon it as upon a "principal column, will shortly suffer a very grievous "fall." He says in this letter that he does not believe himself in the slightest degree bound by the sentence of excommunication, and he has only appealed to the Pope lest the malignity of some might bring it against him, and his episcopal office be less efficaciously administered. What was the result of this application we are not told. There is, however, a long letter of Adam de Marisco, written to the prior of Canterbury on this subject, from which it would appear that the bishop came to an arrangement with the convent, as Adam speaks of vexatious delays and

Matt. Par. p. 605.

P. 327.

A. de Marisco, Epist. xcii., p. 211.

legal objections taken by the prior after the accommodation had been agreed on. He mentions Grosseteste's anxiety to have the whole business at an end as soon as possible; and at the same time hints that there are persons who are endeavouring to stir up strife again between them. This year Boniface was confirmed as archbishop by the Pope, but was still unconsecrated.

A. de Marisco, Epist. xcii., p. 219.

Wood, i. p. 93 = i. p. 233.

The following year was remarkable for a serious disturbance at Oxford between the scholars and the Jews,—"nescio an de usuris," is Wood's not very improbable conjecture,—the scholars breaking into the houses of the Jews on the Purification, and committing a robbery on them. The Chronicler cited by Wood states that forty-five clerks were imprisoned for this affair, but were released through Grosseteste's influence, on the ground that they were not charged with breaking the king's peace, or with any other crime[1]. Another account is, that the bishop, after having taken them under his protection, obtained leave from the king to hand them over to three persons, (the abbat of Osney, the prior of S. Frideswyde's and the archdeacon of Oxford), to decide on the whole affair. It led to a very important result as far as the University of Oxford was concerned, as the same year the king issued a privilege to the chancellor and University, granting to them, that "in causis clericorum ex mutuis datis aut receptis, aut taxationibus "seu locationibus domorum, aut equis conductis, venditis, "seu commendatis, seu pannis et victualibus ortum ha-"bentibus, seu aliis quibuslibet rerum mobilium con-

1244.

Claus. Rot. 28 Hen. III. m. 6. A. apud Wood, Ibid.

[1] "Per dominum Robertum Lin-"colniensem episcopum liberati "sunt, quia nullus apparuit qui "eos directe convincere posset de "crimine feloniæ."—Tho. Wikes, p. 45. Does this mean that they were acquitted for want of sufficient evidence?

"tractibus, in municipio aut suburbio Oxoniæ factis," the king's prohibition was not to have force, but they were all to be decided before the chancellor of the University. It is not unlikely that this was obtained through Grosseteste's influence, who thus laid the foundation of the jurisdiction of the University. For though, as Wood remarks, this was only granted during the king's pleasure, it yet was confirmed to the chancellor and to his successors for ever. The similar privilege was not given to Cambridge till 1305.[1]

This year, after having been vacant for five years, the see of Winchester was filled up, William de Raleigh, bishop of Norwich, having at last obtained the king's consent to his election. On its vacancy in 1238, Ralph de Neville, the chancellor, had been elected, and had tried to secure Grosseteste's influence with the Pope to confirm the election. He, however, refused, on the ground that if he or any one else made the application, it would appear to have come from Neville himself, and there would be a presumption against him that he was anxious for the bishoprick as a richer one than that which he held (Chichester). There is, perhaps, a touch of irony in his recommendation to him to leave the whole affair to God, who will bring about its accomplishment, if it be His will, as Neville was supposed to be both ambitious and greedy. The king induced the Pope to annul the election, wishing to secure the bishoprick for the queen's uncle, William of Provence, bishop elect of Valence. The monks, however, elected William de Raleigh, bishop of Norwich, who was accepted by the Pope. The king was furious at this, and not content with laying his hands upon the pos-

Epist. lxii. p. 188.

[1] See a portion of the letter conferring the privilege in Wood, i. p. 94.

sessions of the see of Winchester, and forbidding all persons to have any dealings with de Raleigh, or supply him with victuals, also caused the bishoprick of Norwich to be confiscated, so as to deprive him of the means of support from all sides. The bishop, finding the gates of Winchester closed against him, and being treated with insult by the mayor and the king's officers, laid the city under an interdict. Grosseteste, with the bishops of Hereford and Worcester, used every means to move the king and induce him to give way, first at Reading, (whence he fairly ran away from them, and sent messengers to Rome with a large amount of treasure to corrupt the Roman court), and afterwards at Westminster, where they seem to have been by no means moderate in their threats, being ready even to lay the king's chapel under an interdict. The king put them off, hoping to gain time till his messenger came from Rome. The three bishops consented to this delay, and de Raleigh in despair went into exile at Abbeville. Grosseteste, however, did not give up his cause, but wrote to Boniface, the archbishop elect, desiring him to use his influence with the queen, his niece, to induce the king to pause, and declaring that if the king proceeds as he has done, he will violate Magna Charta. Boniface took up the case warmly, writing both to the persecuted bishop and the king—the Pope himself also wrote,—being induced thereto, according to Paris, by a present of 8,000 marks from de Raleigh himself, and the king at length, really terrified, gave way, and de Raleigh was permitted to enjoy his bishoprick.

Matt. Par. p. 614.

Ib. p. 616.

Matt. Par. p. 634.

Matt. Par. p. 639.

The king's money difficulties came to a head this year, as his expenses in Gascony the previous year had involved him in heavy debts, and he was also contemplating a war with the king of Scotland. On his demanding a subsidy, a committee of twelve, partly laymen and partly clergy, of whom Grosseteste was one,

was chosen to determine on what was to be done, as the answer of the temporal peers to the king was, that they would do nothing without the consent of the whole community. The answer of this committee was, that if the king would reform the abuses they complained of, they would grant the requisite money, on the understanding that the twelve persons thus selected should expend it for the king's benefit. The king procured a letter from the Pope, and tried to influence each person separately. But when some parties were inclined to give way, and wished the prelates to give a milder answer to the king than the laymen, Grosseteste replied: "Let us "not be divided from the common opinion; for it is "written, If we are divided, we shall soon die." And his influence prevailed in spite of all the king's endeavours to make parties among them; and ultimately, much to the king's disgust, the council broke up.

The bishops were again at issue with the king respecting the appointment to another bishoprick that fell vacant this year, that of Chichester, to which Robert Passelew was elected. He was a clerk of the king's, and a forest judge, who, for the purpose of enriching the king, had in this last capacity impoverished all, both monks and seculars, noble and ignoble, to such an extent that many were reduced to beggary, imprisoned, or deprived of the whole of their sustenance. The indignation of the other bishops on his election was very great, and after he had been examined[1] and found unfit by Grosseteste,—who, as the most determined and learned, was deputed to ex- Matt. Par. p. 652.

[1] "In nimis arduis quaestionibus "per episcopum Lincolniensem examinantes" are the words of Paris.

amine him by the rest,—the election was annulled. The king, as might have been expected, was not particularly pleased; but the weight of his anger fell entirely on the newly elected bishop, Richard de la Wyche, who had been chancellor of Oxford, and while there, under Grosseteste, who had wished to make him his chancellor:[1] he was nominated to the bishoprick by Boniface, and confirmed at once by him at Merton, where the prelates were then assembled.

During all these years the quarrel between Grosseteste and his chapter had not been settled; and at length both parties, being probably wearied out with the various futile attempts at arbitration agreed to the only course that seemed left, a personal appeal to the Pope. Innocent IV. was at Lyons, then "though to a certain degree under the "protection of France," "almost a free city, and "owning no authority but that of the archbishop.[2]" Here he was safe from all the attacks of the emperor, and here the council met which was to excommunicate and depose the latter.

After sending a very earnest letter to his archdeacons, with advice as to their conduct during his absence, the bishop, in company with his friend Adam de Marisco, set out on November 18, and reached Lyons
on January 7, in better health than usual, as Adam 1245.
tells us. A letter of his own, and also one of A. de Marisco (ccxiii. p. 376) mention his honourable reception by the Pope and cardinals, though the dean arrived there before him. Almost immediately on his arrival, January 15, Boniface's long delayed consecration

[1] See the Life of S. Richard, bishop of Chichester (p. 56), in the Littlemore series of *Lives of the English Saints* (Lond. 1845), a very ably written book, with all its absurdities.

[2] Milman's *Hist. of Latin Christianity*, iv. p. 321.

took place; and the next month (February 19), Roger de Weseham, the dean of Lincoln, was consecrated bishop of Lichfield; while soon after the cause between Grosseteste and his chapter was determined wholly on the side of the bishop. However satisfactory this decision of an affair that had gone on for so long and given so much annoyance to all parties, and however much one might wish to think differently, it is difficult not to suspect unfair dealings between the bishop and the dean. In the first place the dean, Roger de Weseham, is Grosseteste's intimate friend, —he is sent by the chapter to represent them and plead their cause,—he has not been at Lyons more than a few weeks, when by Grosseteste's influence (without the king's consent, who had refused his consent to William de Monte Pessulano, the choice of the monks), he is elected bishop of Lichfield, and immediately afterwards Grosseteste gains from the Pope a bull giving him all he asks for against the chapter. It is difficult not to suspect that a bargain was struck between these two. If Weseham really felt that the claims of the chapter were altogether wrong, why did he go out as their representative?[1]

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[1] The authority for this is the Dunstable Annalist, p. 267, who says: "Profectus est decanus Lin-" colniæ pro se et capitulo, contra " episcopum Lincolniæ, et subse-" cutus est episcopus; sed decanus " prior venit ad curiam." Matt. Par. says, p. 649, that the bishop went over, "ut secretius propensius-" que consulto domino Papa, de-" cideretur ipsa damnosa lis," and adds that soon after the dean and some canons with him crossed. Thomas Wikes (p. 45.) mentions the canons only as going; the Chronicler called Matthew of Westminster follows Paris, p. 318.

The letter of Adam de Marisco, to which allusion has been already made, written immediately on their arrival at Lyons, mentions that the Pope had promised that the affair should soon be settled. He adds: " Mortalibus tamen dubius est " eventus belli," and speaks of the delays, cavils, stratagems, &c. of the opposite party. Possibly Grosseteste, wearied out with the long delay, was tempted to win over the dean in the way it appears he did.

There is another charge against Grosseteste connected with this affair. He entirely sequestrated and alienated the church of Aylesbury, which had always belonged to the deanery of Lincoln, and at once gave it to his official Robert de Marisco, one of the canons, (afterwards dean,) his reason being, according to Matthew Paris, that he believed that the dean "ex ejus ubertate "cornua audaciæ assumentem, contra episcopum Lin-"colniensem recalcitrare."

However, by whatever means obtained, the bishop's triumph was complete as far as the question of visitation was concerned. The bull of Innocent, dated August 25, goes through all the points very elaborately, and in almost all, excepting that the Pope decided that an oath from the dean and canons on their collation was not to be exacted, though they were to exhibit obedience and reverence, the points at issue were decided in favour of the bishop. He seems to have been well satisfied with the decision, as appears from his mentioning in a letter to the provincial minister of the Franciscans in England, that it had been given in his favour, and therefore also in that of all the bishops of England.

Epist. cxiv. The bishop has given an accurate account of his journey home from the council. In company with Adam de Marisco and John of Stamford, he reached Beaune, and there the latter fell ill of a quartan ague. They brought him to Nogent on the Seine, and thence by water to Paris. As he was too ill to go on with them homewards, and Paris was at that time in an unhealthy state, Adam determined to go on to Rouen with him by water. At Mantes, however, he was too ill to go further, and Grosseteste then wrote for Peter of Tewkesbury to be sent over with some other friars to take care of him, and to relieve Adam de Marisco, whom he was afraid to leave behind for any time, lest he should stay permanently, as many were anxious

to detain him in Paris, now that Alexander de Hales and J. de Rupellis were dead. The bishop expected to land in the Isle of Wight on October 14.

1246. The Pope had charged him with several commissions in England, and gratitude for his recent success seems to have made him the more readily obey the Pope's commands. And first we find him, though he professes his own unwillingness, urging on the archbishop of York the claims of John Ursarola, bishop of Cervia, who had suffered through an attempt to make his church independent of the archbishop of Ravenna: and afterwards endorsing and sending round the Pope's Matt. Par. letter, allowing to the archbishop of Canterbury the p. 692. revenues of the first year of all the ecclesiastical benefices that should fall vacant during the next seven years in the city, diocese, and province of Canterbury, until the sum of 10,000 marks should be collected. This letter is dated August 27, just two days after that in Grosseteste's favour. The pretext for such an exaction was the state of debt in which the see of Canterbury was involved, partly, it is said, through the enormous expense attending the translation of S^t^. Thomas Becket. The archbishop was evidently very eager to get the money, as immediately after his consecration, while both he and Grosseteste were at Lyons, he had sent two of his clerks to him, asking him to affix his seal to a letter to be sent round in his name and in that of Peter de Aigueblanche, bishop of Hereford, who was to collect the subsidy, and Richard de la Wyche, the bishop elect of Chichester, and to write a letter to the suffragans of Canterbury exhorting them to pay it.[1] Grosseteste refused on the ground that

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[1] This must have been written at Lyons, between Jan. 15, when Boniface was consecrated, and March 5, when R. de la Wyche was consecrated, as he is called "electus."

Letter lxxxix. p. 276. by so doing he should prejudge the whole case, and render himself odious to all the clergy of the whole province. He does not appear afterwards to have had any hesitation, as what he did now was exactly what the archbishop had asked at Lyons. This was felt generally as a very heavy imposition, and the king, though at first very angry, was easily induced to give way. Matt. Par. pp. 734, 753. Extreme measures were resorted to before payment could be obtained, as we find Boniface in the year 1247 suspending some of the bishops till they consented: he even denounced all who should oppose it as excommunicate, except the king and his family and Richard of Cornwall.

Epist. cxix. p. 340. Nor was this the only exaction to which the country was forced to submit, as the Pope demanded a large subsidy, and sent letters of execution to the bishops of England. Again the king was furious, and wrote an angry letter to each of the bishops, forbidding them to levy the tallage. We possess Grosseteste's answer to this, who insists that the bishops can do nothing else, and that there would be more reason for wonder if they declined, especially in the present condition of the papacy, the Pope being an exile, worn with persecutions and tribulations (the allusion is to the emperor's attacks), despoiled of his own patrimony, and without means of his own of decent support. The English bishops, knew that, if they resisted, the king was not to be depended upon; and the Pope,—who seems to have very well understood the character of the man with whom he had to deal, and who had their support and that of earl Richard of Cornwall, the king's brother,—threatened to lay the kingdom under an interdict; and thus in spite of all previous proclamations against the money being Matt. Par. p. 709. paid, the king gave way, and, in Matthew Paris's words, the gapings (*hiatus*) of Roman avarice were satisfied.

This same year Grosseteste obtained a bull from the Pope to prevent any of the scholars at Oxford from graduating in arts without passing through the usual examinations "secundum morem Parisiensem," and without having been approved either by the bishop himself or those appointed by him. This shows how much influence he still exercised at Oxford as its diocesan; and probably from his previous intimate connexion as having been chancellor and lectured there for so long, this was far greater in his case than in that of any other of the bishops of Lincoln. Wood, i. p. 94= i. p. 236.

It is to this year that the affair of R. Passelew, who had been presented to S. Peter's, Northampton, but whom Grosseteste rejected because he was a forest judge, must be referred. See Letters cxxiv.–cxxvi. These afford a good instance of the doubt that must attend the fixing accurate dates to these letters. From Grosseteste's Episcopal Roll we find that the living in question was vacant in 1243, as in that year John de Houton, archdeacon of Northampton, was instituted. Yet Letter cxxvi. could not have been written before 1245, as Boniface is called archbishop of Canterbury. The living must have been vacant again, or Houton only held the vicarage. Passelew had previously held two livings in the diocese, Swanbourne in Bucks, in the presentation of the prior and convent of S. Andrew's, Northampton in 1218, and Brampton in Northamptonshire in the presentation of Thomas Picot, in 1231.[1] It was he whom Grosseteste, after examination, had declared to be unfit to succeed to the bishoprick of Chichester in 1244.

The bishop was not long in putting into execution his long-sought visitatorial powers, beginning early

[1] Rot. Hug. de Wells.

this year, or even (if we may trust Wikes) at the end of 1245, to visit the prebends. From the Dunstable Annalist, who mentions that he visited all the prebends "sine contradictione," we might have supposed that they had withdrawn all their opposition. But his own letters show that this was by no means the case. He began with the archdeaconry of Stowe and the prebends there, intending, on January 23, to visit the chapter, but from want of time was compelled to put it off till later. As some opposition still existed, he wrote to them, appealing to their sense of justice, to co-operate with him, and this letter seems to have produced its effect, as in offering the archdeaconry of Huntingdon, with a prebend, to a friend who had previously refused another on the ground of the existing quarrel between the bishop and chapter, he expressly states his thankfulness that there is peace between them.[1] And Matthew Paris mentions that one of the reasons that induced Thomas Wallensis, the archdeacon of Lincoln, to accept the poorly-endowed bishoprick of St. David's, in 1248, was the victory that Grosseteste had obtained over the chapter.

Dunstable Annals, p. 274.

Epist cxxi. p. 343.

Epist. cxxii. p. 345.

Epist. cxviii. p. 339.

Matt. Par. p. 739.

Ib. pp. 716.

Nor was his visitation on this occasion confined to the chapter. His severity is put down by Matthew Paris to the suggestion of the two orders of friars. His investigation into the morals of all in his diocese, both noble and ignoble, produced so much scandal, that heavy complaints of it were brought to the king, who actually issued a mandate to the sheriff of Hertford to prevent all laymen in his bailiwick from making any recognizances on oath or attestations at the wish of any of the officials of the bishop of Lincoln, excepting in matrimonial or testamentary causes. The bishop, on hearing this, said that the

[1] It is not, however, quite clear which of these letters is the earlier.

king was going to follow the steps of certain conspirators who had already in France broken out into a similar audacity[1].

1247. The following year the king presented to the church of Westminster the crystal vase containing the supposed blood of our Saviour, which had been sent over by the Master of the Templars and Hospitallers. As many expressed their doubts in the genuineness or even the possibility of this, Grosseteste vindicated both in an address on the occasion, which Paris, who was himself present when it was delivered, has preserved. Matt. Par. Additam. p. 161.

1248. We find him present at the parliament at London, in February, which was nominally convoked to confer with the king on the state of affairs of the kingdom, which was greatly impoverished and disturbed. The king's real object, however, was to obtain a fresh subsidy, for which he was severely reproached, as on the last similar demand, when the nobles complied, he gave his charter that he would not make a similar exaction. There were also heavy complaints brought against him on account of the number of foreigners he brought into the country, and for various oppressive acts. He tried his usual method of lavish promises of future amendment, and the discussion of the subsidy was postponed to a later day. Matt. Par. p. 743.

Another disturbance took place on May-day this year at Oxford, with the details of which we are made acquainted through a letter of Grosseteste. A scholar of noble birth and good conversation, on coming home late by the church of S. Martin at Oxford, was set upon by the rabble and injured in such a way that he died on the third day. The bailiffs of the town rather sided with the murderers, conducting them with Wood, i. p. 94 = i. p. 237.

[1] This refers to a conspiracy of several French nobles against the pope in consequence of his pecuniary exactions. See Matt. Par. p. 719.

arms to the church of S. Martin's, where they remained in safety. The excitement in the University may be conceived; the members ceased from all lectures, and swore that unless the guilty persons were visited with just punishment, they would all leave Oxford, and they kept the body unburied until they obtained an answer. The chancellor and University communicated at once with Grosseteste, and he sent his official, Robert de Marisco, to excommunicate all the parties concerned in the murder, and then to hold a severe inquisition according to the composition settled on between the University and the town. The result was the confirmation and enlargement of the privileges of the University by the king; among those then granted are the following,—that if a scholar were slain, all the commonalty of Oxford should be punished for it; and that the Jews should not be allowed to exact more than twopence a week interest for the sum of 1*l.* If this (43⅓ per cent.) was considered as a privilege, it gives some idea of what the extortions of the Jews must have been, and makes both their unpopularity and their immense wealth, in spite of continual pillage, the less difficult to understand.

The visitation of the diocese still went on. A certain Flandrina de Brewes, abbess of Godstow, was deposed, and Emma de Bloet put in her place. Grosseteste's Roll, whence this fact is known, mentions that it was "propter culpas suas," and Adam de Marisco, p. 117, speaks with satisfaction of the result. The same writer complains of Grosseteste's negligence in the affairs of another convent—Belton; and speaks of certain pestilent persons who have got the bishop's ear, and endeavour to abuse his clemency (Letter ccxxxix. p. 404). The next year he visited the priory of Dunstable (July 25), not without necessity, as a certain Henry de Bilenda, who could not clear himself of the crime with which he was charged, in fear of

1249.

Dunstable Annals, p. 284.

the bishop's severity, took himself off, and entered another monastery. On August 2 he went to Caudwell, and there also the prior, who was accused of many things by the monks, taking advice of the priors of Dunstable, Newenham, Huntingdon, and Bysmede, resigned rather than stand the terrible bishop, and followed Henry de Bilenda to the Cistercian convent at Merivale. He then went on to Oxford, and at Osney, where the chancellor, proctors, and masters came to meet him, gave them many instructions as to their course of studies. His energy in his visitations stirred up the other prelates to do the same; at least we find the archbishop using such strictness towards the canons of Canterbury in the following year as to make them regret their late archbishop S. Edmund, whom they had considered austere. Matthew Paris, who twice mentions this, sets it down to the example and influence of Grosseteste. The visitation of the diocese of Lichfield and Coventry in 1252 is also attributed by the Burton Annalist to the example of the bishop of Lincoln. See p. 317.

Dunstable Annals, p. 285.

Wood, ed. 2, i. p. 240.

Matt. Par. pp. 780, 806.

Through the severity of his visitation Grosseteste became embroiled with the king. A certain Ralph, a beneficed clerk in Lincoln diocese, was deprived for incontinence, and excommunicated because he would not surrender his living. After the sentence had lasted forty days without producing any effect, Grosseteste ordered the sheriff of Rutland, in whose jurisdiction he was, to imprison him; and on the sheriff's delaying or refusing to do this, at once excommunicated him. The sheriff complained to the king, who, in a rage because the bishop had not brought the case before him, and considering that he was thus held in contempt, sent to Rome, and obtained a papal privilege forbidding the prelates to compel the king's bailiff's to try causes before them in matters belonging to the royal jurisdiction, or to pronounce sentences against

Ibid. p. 777.

them. Grosseteste evidently acted hastily in this matter, and it may have made him more eager to go to the Roman court and to endeavour to recover his lost influence there.

One result of his visitation was the proof that many of the religious houses converted to their own use a considerable portion of the possessions and tithes of the Church. In order to provide better for the parishes which were thus impoverished, and left without resident priests,—as they were served from the monasteries which held the tithes,—the bishop obtained a papal letter authorizing him to revoke what had been thus obtained, and to proceed against all that opposed with the ecclesiastical censure, without appeal. Accordingly he cited all the beneficed monks of his diocese to appear; first at Stamford, afterwards, on January 14, at Leicester, and lastly at Oxford, to hear the letter, his intention being to take all possessions into his own hand for the holding of which the monasteries could not show instruments giving the consent of the chapter[1]. Those who had exemptions, the Templars, Hospitallers, and many others who purchased peace for themselves from the Papal court, appealed to the Pope; and thus there was nothing left for the bishop, old as he was, but a second journey to the Papal court, which was still at Lyons. He crossed the sea with many nobles and others, the bishops of London and Worcester, two of his own archdeacons, and many other clerks from his diocese.

Matt. Par. Additam. p. 179.

1250.

Dunstable Annals, p. 287.

[1] The *Dunstable Annals* say that he required them to show the charters of their founders, the confirmations of the bishops, and the papal privileges. Having seen them, he took a transcript of all, saying he would consult the Pope on them. This was done on the Thursday after Ash Wednesday. He started for Lyons in Mid-Lent. Pegge says that his object in taking the benefices into his own hand was to institute or ordain vicarages in them. *Life of Grosseteste*, p. 171, note *d*.

These last probably accompanied him to Lyons. He crossed about the middle of Lent. His reception on the present occasion was very different from what it was on the former visit. Innocent had grown older, and his avarice had increased with his years, and the gold of the religious orders had been before Grosseteste. He seems soon to have felt how hopeless was his case, and after so much useless expense and labour, he came to the Pope confused and sad, and said: "Holy Father, "I blush at failing in my purpose, because I confi- "dently trusted in your letters and promises; I am "disappointed in the hopes I had previously enter- "tained, because those whom I thought I had subdued "depart freely to my confusion." The Pope is said to have answered with a stern countenance: "Brother, "what is that to you? You have freed your soul; we "have done them favour. Is your eye evil, because "I am good?" The bishop, sighing in himself, but yet loud enough to be heard by the Pope, exclaimed: "Oh money, money, how powerful you are, especially "at the court of Rome." The Pope, in a rage, replied: "Oh you English, you are the most miserable of men: "each one of you gnaws at and studies to impoverish "the other. How many of the religious subject to "you, and your own sheep and countrymen and friends, "intent on prayer and hospitality, have you laboured "to oppress, that, satisfying your tyranny and cupidity "from their property, you might enrich others and "perhaps foreigners." And thus the bishop departed in confusion, and cried out against by all as shameless (*protervus.*)

Annal. Winton. Wharton, i. p. 308.

Matt. Par. p. 773.

We must remember that we have Matthew Paris's account of this scene, who would enjoy and exaggerate the defeat of so uncompromising a putter down of the power of the monasteries as Grosseteste was; and it is difficult not to suspect him of having somewhat coloured his description. The bishop at first does not

seem to have been downhearted[1], but to have busied himself with other affairs, that he might not appear to have effected nothing. It is not impossible that these were connected with the appeal of the prelates against the right of the archbishop to visit them and to receive procurations, in which Grosseteste as a suffragan of Canterbury was interested.

He did not return immediately, with most of the English nobles, but remained behind at Lyons, with still some hopes of influencing the Pope; and on May 13 he delivered to the Pope and three of the cardinals his celebrated sermon against the abuses of the Papal court. The chief points are the negligence and bad characters of the parochial clergy, for which he charges the Papal court as the cause, because not only does it not put a stop to these things, but by its "dispensations and provisions and collations" it confers benefices upon persons of the character of which he is complaining. He speaks also strongly against the appropriation of benefices to the monasteries, and the independence of these of the bishops through the papal exemptions. Nor does he omit to mention and speak strongly against the gift to the archbishop of Canterbury of the fruits of the benefices for the payment of the debts of the see, as he says that the church of Canterbury is sufficient to itself for the payment of its debts. This, though called a sermon, is rather a political pamphlet on the points in question. It was read out before the Pope by one of the cardinals to whom Grosseteste gave copies, and must have greatly increased the feeling against him at the papal court. He, however, stayed on at Lyons till the end of

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[1] He wrote cheerfully to Adam de Marisco (as appears from the latter's Letter clxx. p. 308.), and led him to believe that he was soon about to return, after a prosperous result to his suit.

September, still persevering in his endeavours; but at length finding it hopeless, returned homewards, and reached England, "tristis et vacuus," about Michaelmas day. At first he appears to have been utterly broken down and dispirited, and determined on resigning his bishoprick[1], and actually did as a preliminary, place the administration of his official duties into the hands of his friend and official, Robert de Marisco. The immediate cause of his giving up this intention is not quite clear. Matthew Paris says that, fearing the king's depredations (*rapinas*), who usually impoverished the vacant churches, and afterwards thrust unworthy persons into them, he suspended his design and waited anxiously till he should see his way more clearly. His own letter to his clergy, of which mention has been made above, speaks of authority, which he could not disobey, intervening to stay his purposed resignation. He complains of the weight of the burden that lies on him, and adds that it is not lawful to carry out that which would render him free. I am not clear as to what this can refer. The Lanercost Chronicle speaks of his offering to resign *at the Roman court*[2]. But it is not likely that the Pope would have interfered to prevent him (and indeed his contemplated resignation was after his return); nor, from what Paris says, could it have been the king. It is more likely that the other bishops or his friends had influence enough to show him that his duty lay more in meeting his difficulties than in flying from them, and

Matt. Par. p. 802.

Epist. cxxx. p. 439.

[1] The example of his old friend, Nicholas de Farnham, whom he had himself induced to accept the bishoprick of Durham, and who had recently resigned his bishoprick, is said to have influenced him.

[2] "Curam ibidem pastoralem re-"signaverit, nec pro ea recipienda "aliquid, juxta morem corruptum, "fratribus curiæ offerre voluerit, "unde et gloriosum Anglicum "avari illi eum vocaverunt."—*Chron. Lanercost*, p. 43.

that they induced the archbishop formally to forbid his resignation[1]. However, he soon appears to have recovered himself, and set about his work with more than usual vigour, evidently with less respect for both the papal and royal powers than he had hitherto shown.

Dunstable Annals, p. 288. Matt. Par. p. 815.

The following year he held a visitation at Dunstable, 1251.
and soon after (Feb. 24) a general meeting of the bishops of the province of Canterbury was held there, either personally or by their proctors, to deliberate how best to resist the attempt of the archbishop to exercise visitatorial power through the province. An appeal to the Pope was determined on. There were other grievances as well,—one that the archbishop had exacted more than the 11,000[2] marks which had been granted to him. The Pope had now left Lyons, and was at Perugia, where he breathed more freely after the death of the emperor, and where he was free from the fetters of the Savoyards. This rendered Boniface's influence much weaker. The Pope spoke the bishops fairly, though delay was the only immediate consequence.

Matt. Par. p. 815.

The visitation of the monasteries was pursued with greater vigour than ever this year by Grosseteste. Paris speaks of his conduct in stronger language even than usual. "If one were to mention all the instances "of tyranny which he exercised, he would be con-"sidered not severe, but rather austere and inhuman." At Ramsey he inspected the dormitories, forcing open anything that he found shut (*siquid communitum inveniret*), and demolishing any marks of luxury that were contrary to the rule. With the nuns he took still

[1] In Smith's Catalogue of MSS. in York Cathedral there is mentioned one (No. 25), entitled, "De "Resignatione Roberti Grosseteste." It is now unfortunately missing. A learned friend suggests to me that it may be only a dictum on the Christian virtue of resignation.

[2] So Matt. Par. in this place; above, p. 692, he mentions 10,000 as the sum.

stronger measures. But even Paris allows that his object was to keep from sin those for whose souls he had to answer. This year occurred his first direct breach with the Pope; he refused to admit an Italian, ignorant of the English language, to a rich benefice in his diocese, and was suspended in consequence.[1] Paris speaks of his hating the wicked Romans who held the papal privilege, that they should be thus provided for, like the poison of serpents. He was equally strict in his investigation into the conduct of the parochial clergy, summoning the priests to be present at his sermons to the people, and very severe against incontinence, punishing all transgressors by depriving them of their benefices. His efforts were soon afterwards turned towards compelling all beneficed persons to become priests; but the influence of gold at the Roman court again thwarted him, as a collection was made to a large amount among those who were unwilling to put themselves under the yoke of the priesthood, and by its aid they obtained the Pope's authority to resist the bishop. On the other hand, what was of greater importance, he obtained in the course of this year the long looked for papal letter authorizing the appointment of vicars, and their payment out of the revenues of the livings. The mandate of Innocent is dated at Lyons, as long before as Sept. 25, 1250; it is not stated why it was so long delayed. As this would increase the staff and influence of the working

Matt. Par. p. 816.

Ib. p. 825.

1252.

Ib. p. 833.

Ib. p. 840.

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[1] "In quadragesima sequente" are Paris's words, *i.e.*, I suppose, Lent, 1252. "This sentence, however, seems to have been soon relaxed, as we find the bishop singing high mass at Hales the same year."—Pegge, p. 185.

This was on the occasion of the dedication of the church there, which was celebrated with unusual splendour in the presence of the king and queen, most of the barons, and thirteen bishops. Each of the latter celebrated mass at his own altar, but Grosseteste at the high altar.—Matt. Par. p. 827.

clergy, and diminish both the wealth and influence of the monasteries, Paris is very angry with the bishop on the occasion, and insinuates that it was done more out of hatred of the monks than from love of the vicars.

Matt. Par. p. 839. Though Grosseteste must have been now an old man, his energy and determination show no signs of falling off. This very year he did not hesitate to excommunicate Hurtold, a Burgundian, a clerk or counsellor of the king, who had bestowed the church of Flamstead upon him, ejecting William, one of the queen's chaplains and clerk of the church of S. Alban's, who had been collated to it by the queen. Her right arose from the guardianship which the king had given her of the land of Ralph de Thony, the death of whose brother Richard had made the church vacant. The king burst into a violent rage, saying, "To what a " height would woman's pride exalt itself, if it " were only allowed its way." But Grosseteste, besides excommunicating the king's nominee, laid the church under an interdict.

Ib. p. 849. At the parliament held October 13, the king produced the papal mandate, giving him for three years an entire tenth of the revenues of the Church of England, to provide for the necessities of his pilgrimage to the Holy Land, as he had assumed the cross; and what especially added to the rapacity of the demand, this was to be estimated not according to the old computation of the values of the churches, but by a new one to be made after the will of the king's creatures. Some of the prelates were at first inclined to give way. But the king's officials speaking of the manner in which the proposed subsidy was to be paid, assuming that there was no opposition to the actual payment itself, Grosseteste exclaimed in great wrath: " O what is this, by our Lady? You are proceeding " upon false premises. Do you suppose we shall " ever consent to this cursed contribution? Far from

" us be this bending of our knees to Baal." The bishop of Winchester, the king's uterine brother, hinted that to oppose the Pope and the king would be impossible, and that the French, a more powerful nation, and more accustomed to resist, yet had been obliged to give way in a similar case. "All the " more reason then," said Grosseteste, "why we should " resist, that it may not become a custom. Be- " sides, we see as clearly as the day, what the result " has been of the French king's tyrannical extortion." His influence prevailed, and almost all the prelates determined to resist the contribution. Grosseteste, however, wished to try a soft answer. "Let us all " supplicate our lord the king, that he have regard " to the salvation of his soul, curbing the violence of " such rashness." The king, after a fit of fury, tried to come over them, suing in the form of a suppliant as about to fight for Christ in the Holy Land. The prelates offered to make terms with him, to let him have the money on the conditions that he would keep inviolate Magna Charta, to which he had so often sworn, grant another charter, that this extortion might not be used as a precedent on any future occasion, and that the money should be faithfully collected and applied *bonâ fide* to the purpose for which it was demanded. The king was again seized with rage on hearing this; swore he would never submit to such a state of slavery, and demanded another answer. Rather than send a flat refusal, they said they could not give a complete answer without the presence of the two archbishops, who were both absent. The result was, that the parliament broke up, with the matter unsettled, the king being equally enraged against all persons concerned in the refusal of his demands.

In the course of this year Grosseteste had a calculation made of the revenues of the foreigners in

Matt. Par. p. 859. England. Paris's words are: "It was found that the "present Pope, Innocent IV., had impoverished the "universal Church more than all his predecessors had "done from the time of the establishment of the "papacy; and the incomes of the foreign clerks ap- "pointed by him in England, whom the Church of "Rome had enriched, amounted to more than 70,000 "marks. The clear revenue of the king did not "amount to a third of this."

A. de Marisco, p. 99. In the midst of all this business, and though now in declining health, he still found time to attend to the affairs of Oxford. If Adam de Marisco's Letter xvi. was written this year, as seems most probable (Ralph de Sempringham being then chancellor), he required the masters and scholars to draw up certain articles for their future government. These seem to be proposals for changes to be submitted to Grosseteste for his approbation as diocesan. The chancellor appears to have given him offence in the matter.

Matt. Par. p. 870. Early in the following year occurred the transaction 1253. which has done more to make Grosseteste's name known and popular than any other in his long and active life. In pursuance of his scheme of providing for such Italians as he pleased by giving them English benefices, Innocent IV., in a letter dated Perugia, January 26, ordered Grosseteste to induct his nephew Frederick di Lavagna into a canonry at Lincoln, by provision, any exemption or privilege of the church of Epist. cxxviii. Lincoln notwithstanding. The letter which the bishop wrote in answer, besides being preserved by Matthew Paris and the Burton Annalist, is of very common occurrence in MSS., thus showing the general interest it excited. Its style is scarcely equal to its fame; the language, though uncompromising, is respectful, though very different from what had been his former com-

munications with the Pope.[1] But he had now ascertained how enormous was the rapacity of the Roman court; he had seen how entirely gold would accomplish anything there; the Pope had deceived and insulted him in their last interview; and he felt a stand must be made against his exactions. His course in this case seemed clear. The Pope, when the letter reached him, was almost beside himself with rage. "Who," he exclaimed, "is this old madman, deaf "and silly (*surdus et absurdus*), who thus, audacious "and rash, judges my actions? By Peter and Paul, "did not my natural kindliness move me, I should "precipitate him into such confusion, that he should "be a byeword, an astonishment, example, and "wonder to the whole world. Is not the king of "England our vassal, not to say slave, since we can, at "our word, imprison and consign him to ignominy?" The cardinals, and especially Grosseteste's friend Giles, seeing the Pope's folly, did all they could to calm him, speaking in the highest terms of Grosseteste, as "a catholick and a most holy one, more religious, more "holy, and of a more excellent life" than they themselves; that there was not his superior, or even his equal; and stating that the truth of his letter must prejudice every one in his favour. "For he is "considered a great philosopher, thoroughly learned "in Latin and Greek, zealous for justice, a reader in "theology in the schools, a preacher to the people, "a lover of chastity, and a persecutor of Simonists."

Matt. Par. p. 872.

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[1] It is interesting to see what was the opinion of his contemporaries on this letter. Adam de Marisco, in a letter written after Grosseteste's death, evidently referring to this, speaks of his courage in sending to the Pope (ad formidandam majestatem) "that fearless "answer, as prudently as eloquently "and powerfully written, which "will benefit all ages by the aid of "God."—Epist. clxxx., p. 325.

They advised the Pope to pass over the affair, lest a tumult should be excited, and this he seems to have done.[1]

Matt. Par. p. 866.

A parliament was held in London in May, this year, at which Grosseteste was present with the other prelates, when the question of the subsidy to be granted to the king was again brought forward. After a long discussion he agreed to the terms the bishops had formerly offered him, and they then solemnly excommunicated all violators of Magna Charta. When the candles were thrown down, extinguished and smoking, and each one said, "So " may all who incur this sentence be extinguished " and stink in hell," and the bells were rung, the king said: "So help me God, I will faithfully keep " all these things unimpaired, as I am a man, as I " am a Christian, as I am a knight, as I am a crowned " and anointed king." It shows how little faith was placed in his promises, that Grosseteste, not contented with this publick and general excommunication, had the sentence read afterwards in every parish church

Ib. p. 867.

[1] A common theory is that the Pope excommunicated him, and that he appealed to the "hy juge of " Hevene," to use Capgrave's words (p.156). But I can find no authority for it. Knyghton (if he can be considered an authority) is the one quoted for his excommunication, col. 2436. Bardney's romance makes the Pope demand a subsidy from England; Grosseteste refuses this, and is cited to Rome, whither he goes, and is there excommunicated. He appeals to the "cælos et summi Judicis ar- " cem," and returns to England. Tanner states that the Pope even named a successor to his bishoprick, one Albert, one of his nuncios. *Biblioth.* p. 19. v. Albert. I believe this statement to have arisen entirely through a mistake of bishop Tanner's. In the *Lanercost Chronicle* (p. 58) mention is made of Robert, bishop of St. Andrew's, whose election was quashed by the Pope, and another person (one Abel) nominated in his place. The chronicler calls him Robertus, and the next paragraph refers to Grosseteste. Tanner's eye seems to have been caught by the Robertus above, and thus he has jumbled the two together, changing Abel into Albert. He gives no authority for his statement. Pegge (p. 198) follows without examination.

throughout his diocese. Soon after this we find from Matthew Paris that the abbey of St. Alban's appealed against the bishop's visitation, from which they claimed exemption.

His health, as far as can be told from incidental notices in Adam de Marisco's letters, seems to have been generally good; though the latter mentions his being troubled with a severe disease in his eyes (p. 348). He describes him at Lyons, in 1245, as being in better health than usual (p. 376). In October of this year (1253) he fell ill at Buckden, and sent for his friend and physician, John de St. Giles. Matthew Paris has preserved a very interesting account of his last illness, and of the conversations he held with his physician and clergy. He spoke much of the sin of those who did not rebuke the sins and crimes of the nobles; gave a definition of heresy; rebuked the prelates for entrusting the care of souls to their relatives, unfit for it through youth or from any other cause; and in no tender language spoke of the rapacity of the Pope and of the exactions and oppression of which the Church was the object. Matt. Par. p. 874.

Those were no light crimes of which the dying bishop accused the papacy, and especially Pope Innocent IV., as he says he has done more to reduce the Church to servitude than all his predecessors; he spoke of usury worse than that of the Jews; friars sent to attend the dying and extract their property under pretence of its being applied for their benefit and the succour of the Holy Land; ignorant foreigners forced into English bishopricks and benefices;—these, and many other instances existed of shameless avarice and profligacy. At last, as if seized with a prophetick spirit, to be almost looked for in one who knew so well what was seething beneath the surface in England, he exclaimed: "Nor will the Church be freed from this "Egyptian bondage except at the bloody sword's point.

"But these things, indeed, are slight; but in a short "time, say three years, heavier troubles will come." These were his last words, his breath failing him afterwards. His death occurred, according to the same historian, on the night of October 9[1], at Buckden, and he was buried soon afterwards (October 13) at Lincoln[2], the archbishop performing the service, and many other bishops assisting[3]. In how great estimation he was held is shown by the legend of the bells that were heard in the sky on the night of his death by the bishop of London, who was then staying near Buckden (as told to Matthew Paris by John de Crakhall, a confidential clerk to the bishop), and by some Minorites who lost their way in the neighbouring wood while going towards Buckden. Nor was it long

Burton Annals, p. 328.

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[1] Almost every chronicler who has mentioned it names a different day for his death. The following are the principal.

Oct. 4.	Annal. Winton. ap. Wharton, i. 309.
Oct. 7.	Annal. Burton. Taxster.
Oct. 8.	Bartol. Cotton. Pet. Chron. (Stapleton's).
Oct. 9.	Matthew Paris. Matthew of Westminster. Knyghton.
Oct. 14.	Annal. Dunstap.
Nov. 8.	Chron. Lanercost.

[2] "He was interred in the upper "south transept."—Pegge, p. 212. The *Lanercost Chronicle* mentions that afterwards Adam de Marisco was placed between him and the southern wall; that as they were lovely and pleasant in their lives, so in death they were not divided. Pegge gives some details of the history of the tomb, and of its condition when opened in 1782. He also gives from Gough's *Sepulchral Monuments* a sketch of what it probably was.

[3] A serious quarrel arose between the archbishop and the dean and chapter immediately after the funeral. Boniface claimed the right of giving away the prebends and revenues of the bishoprick while deprived of its head, and excommunicated all who opposed him. The archdeacon of Lincoln, William Lupus, was the only one who dared to stand up for the rights of the chapter; and, after much persecution, went to Rome to appeal. The Pope comforted and relieved him, but he died on his way home. Matt. Par. p. 878. Adam de Marisco speaks of the dispute being arranged between the archbishop and Grosseteste's official and friend Robert de Marisco. Epist. p. 324.

before the report of miracles performed at his tomb was heard, a further evidence of his popularity, and of his enduring remembrance by the people.

The joy of the Pope on hearing of the bishop's death is said to have been great,—his fury lasting even after his burial, if the story is to be believed of his desiring to have his bones cast out of the church. The legend of his frightful dream, and of Grosseteste's share in it, which preceded his death, repeated as it is by almost every chronicler, shows what was the popular estimation of their respective characters.

His affection for the Minorites remained to the last, as he left his books to the Franciscan convent at Oxford[1]; there they remained till the sixteenth century, when Leland saw them reduced to little more than dust and cobwebs. (Trivet, p. 243.)

Popularity of Grosseteste.

That Grosseteste's popularity was no mere transient feeling is proved by the attempt made in the next century to procure his canonization, both by the king and by the dean and chapter of St. Paul's. (1307.) That it was unsuccessful is, perhaps, not a matter of surprise. Both the letters written for this object are in sufficiently laudatory terms. But Wood has printed what is far more interesting, the opinion which the University, for which he had done so much, and which he loved so well, expressed soon after his death: "Nunquam perce- "pit aliquis quod ipse dimisit aliquem actum bonum "officio suo vel curæ pertinentem metu alicujus viri, "sed quod martyrio paratus fuit si gladius percussoris (Whart. ii. 343. Wood, i., p. 105 = i. p. 249.)

[1] Gascoigne had access to them while there, as he has frequently mentioned. In his *Theological Dictionary*, v. Fides, he quotes Grosseteste "in expositione sua propria "et propria manu scripta," on St. Paul's Epistles, which he speaks of being in the possession of the Minorites; "et est ille liber in "libraria conventus, sed non in "libraria studentium. Duæ enim "sunt ibidem librariæ inter Fratres "Minores Oxoniæ."

"occurrisset." "Item testatur," adds Gascoigne, "prædicta Universitas de ejus magnifica scientia et quod rexit Oxoniæ excellenter in gradu Doctoratus S. Theologiæ." The Oxford scholars soon found out what they had lost, when his successor, Henry de Lexinton, began to exercise his jurisdiction over them.

Personal influence.

How vast an influence Grosseteste has had on English thought and English literature has been already spoken of; how great his personal influence over his own time is amply proved by his own letters and those of his friend Adam de Marisco. All persons of all ranks, both in this country and elsewhere, seem naturally to resort to him as the one to advise them. If a nobleman is uncomfortable about his spiritual state, he seeks an interview with Grosseteste; if the king desires to know the precise value of the royal anointing, he writes to Grosseteste; if a bishop wants the king's opposition to his translation removed, he applies to Grosseteste; or if the archbishop wants an adviser at a critical time, the bishop of Lincoln is the one sent for. He is the warner[1] and consoler at different times of Simon de Montfort; when he wants a tutor for his sons, it is Grosseteste who is chosen[2]. When Adam de Marisco has a letter from a friend in difficulties, it is to Grosseteste he refers him for advice and comfort,

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[1] Knyghton (col. 2426,) mentions that Grosseteste threatened De Montfort with future evils if he persevered in his marriage.

[2] See Adam de Marisco's Letters, pp. 110, 163, 268, 269. Adam writes to the earl to speak of the gradual improvement of his sons under Grosseteste's care: "de die in diem in bono proficientes." (The bishop's prophecy of the fate of the eldest, who fell with his father at Evesham, is well known.) This must probably be the origin of Warton's statement (*Hist. of English Poetry*, ii. 428), that he "educated most of the nobility in the kingdom, who were placed in his family in the character of pages." He, however, quotes the words, "Filios nobilium procerum regni, quos secum habuit domicellos," from Joh. de Athona in *Constit. Ottobon. Tit.* 23, in voce *Barones*.

p. 225. His influence with both the king and queen, in spite of occasional quarrels with the former, must have been very great. Adam de Marisco (Letter xvii., p. 102) speaks of the queen's affection for him as being of great use to the Church, and one of his own letters is written to induce her to use her influence to restrain the king from some of his numerous oppressive acts. His intimacy with the great earl of Leicester is more apparent in the letters of Adam de Marisco than in those in the present volume [1]. Yet the two letters to him (both now for the first time published) fully bear out what is so apparent there. One of these gives an additional testimony to the great defect in De Montfort's character—the want of moderation [2], which was the chief cause of his ruin (Epist. xlviii.) One of Grosseteste's last acts was to induce him to overlook the king's insults, and to remember only the benefits he had received; and in consequence he went to his assistance in Gascony, well appointed with men and arms [3]. (Matt. Par. p. 879.)

A. de Marisco, Epist. pp. 262, 268, 269.

It is interesting to see how Grosseteste's especial studies afford him illustrations for his theological arguments; thus, the different power of illumination of the sun's rays when they fall on an object directly, or after reflection at a mirror, is used to illustrate the

[1] From Epist. cxli. p. 270, it would seem that Grosseteste was endeavouring to obtain aid from the Pope for Simon de Montfort. He mentions Grosseteste being with the earl. P. 277.

[2] See Brewer's Preface to the *Monumenta Franciscana*, p. xcii. note.

[3] A remarkable proof of how closely the bishop and De Montfort were connected in popular estimation is afforded by the dream of a youth who was brought to Grosseteste's tomb to be healed just before the battle of Evesham. He fell asleep, and on waking said that the holy bishop had gone to Evesham, to the assistance of De Montfort, who was about to die there. *Miracula Simonis de Montfort*, p. 71, printed at the end of Rishanger's Chronicle. Camd. Soc. 1840.

difference of the powers of a prelate when acting by himself alone, or by the agency of others to whom he has delegated a portion of his authority (pp. 360, 361). Another curious instance of his fondness for opticks may be seen in p. 17.[1] So again his comparison of a bishop to the head watchman in a vineyard, and his minute details respecting the culture of the vine, remind the reader at once that he is reading the work of one who has made husbandry his especial pursuit. (p. 402.)

Matt. Par. p. 876. His character.

Matthew Paris sums up his character as follows. He was, he says, "a manifest confuter (*redargutor*) of the "Pope and the king, the blamer of prelates, the cor-"rector of monks, the director of priests, the instructor "of clerks, the support of scholars, the preacher to "the people, the persecutor of the incontinent, the "sedulous student of all Scripture, the hammer and "the despiser of the Romans. At the table of bodily "refreshment he was hospitable, eloquent, courteous, "pleasant, and affable. At the spiritual table, devout, "tearful, and contrite. In his episcopal office he was "sedulous, venerable, and indefatigable." This is the testimony, be it remembered, of one who disliked him as a persecutor of the monks, and who is always carping at him, and trying to find fault. If we look to fairer judges of the bishop's actions, and those who were the best qualified by their opportunities of seeing and knowing his inner life, it is no modified praise that is bestowed. Adam de Marisco, perhaps his most intimate friend, seems mostly struck by his courage; Bacon, his pupil, by his marvellous and almost uni-

[1] See a paper on the very rare little tract of Grosseteste, "De "phisicis, lineis, angulis, et figuris "per quas omnes acciones naturales "complentur," (printed at Nuremberg, 1503,) in the volume of the Archæological Institute for 1850, p. 139, by Mr. Boole of Lincoln.

versal knowledge; Tyssington, in the next century, by his subtilty in interpreting Scripture. Fasc. Zizan. p. 144.

What his general character was, is sufficiently clear from what has been told of his life. As an uncompromising opposer of all abuses in church and state, as one whose whole existence was regulated by the feeling of the awful responsibility of his episcopal office, and who, therefore, would not give his consent to the nominees of the great being placed in situations for which they were unfit, he stands quite unrivalled in our history. This is the key to his whole career; it was for this that he opposed monasteries, chapters, bishop, nobles, king, and Pope; and shows how the life of constant contention he was compelled to live, was the only one a man with any honesty in his position at such a time could lead. And yet whatever hot words were spoken at the time, he seems never to have given lasting offence. We find him at complete peace with his chapter after the quarrel was settled; the king writing most kindly to him, even reproaching him for not visiting him oftener, after they had had many serious quarrels; the cardinal legate, to whose clerk he had refused preferment, still on terms of intimate affection with him.

Anecdotes of his private life from Eccleston. (Brewer's Monumenta Franciscana.)

Of his private life, the anecdotes preserved in Eccleston, perhaps, give us the best idea. We find him, when a lecturer, affording every encouragement to diligent students (p. 39), making use of their occasional carelessness as a means of self-mortification, not caring, as far as he himself was concerned, for their neglect, if he had only sedulously prepared his lecture (p. 66); but impressing on them the need of the study of Scripture that they might not be like some monks, who walked in the darkness of ignorance (p. 64). His kindly feelings and *bonhomie*, and we may say, thoroughly English character, are shown by several trifling anecdotes. He once told a preaching friar that three things

were necessary for temporal health—food, sleep, and good humour (*jocus*). To another friar, troubled with melancholy, he enjoined as a penance, to drink a cup full of the best wine; and when it had been drunk very unwillingly, he said to him, "Dearest "brother, if you frequently had such a penance, "you would have a much better regulated conscience." His horror at anything like bribes or simony is shown in small things as well as in great. Soon after his promotion to Lincoln, when in great want of horses, his steward came, while he was sitting at his books, and told him that two white monks,—probably in hopes of future favours,—had brought him two very beautiful palfreys. He refused to receive either the monks or the horses, saying, "Were I to take them, "they would drag me down by their tails to hell." So when some valuable jewels were offered him, and his friends begged him to receive them, he replied, "*Si prenderem, penderem;* between *prendere* and "*pendere* there is but one letter[1]" (p. 65). And fond as he was of the friars, his sound sense prevented him from ever exalting mendicancy to the outrageous pitch it was advanced by some, as we hear of his saying apart to a friar, after he had listened to a sermon in which mendicancy was placed as the highest step towards the embracing of heavenly things, that there was still a higher one, namely, to support oneself by one's own labour (p. 69). Not, however, that he ever wished to do away with the *poverty* of the friars, as he is stated to have said that it especially pleased him to see the friars' dresses patched. He was not neglectful of their health, recommending them to be careful in choosing a site for their abode, remark-

[1] It is not quite clear from the text of Eccleston whether this anecdote belongs to Grosseteste or to S. Edmund of Canterbury, to whom I have seen it elsewhere given.

ing on the unhealthiness of places near water, unless the building was placed high above it (p. 66).

Style of his letters.

A few words are called for on the style of the bishop's letters. They are doubtless occasionally obscure and not devoid of the verbiage that makes the writers of this time so wearisome. Yet these faults will be found in a less degree than is usual at the time; and compared with his friend Adam de Marisco, he is clear, distinct, and terse. Doubtless this arose from a greater familiarity with classical writers,[1] in quotations from whom (Horace, Ovid, Seneca) he frequently indulges. The fathers, especially SS. Augustine, Jerome, and Gregory, are often quoted, both independently, and also, as is so usual with writers of this time, at second hand from the Decretals. His quotations are not always correctly given; for instance, in page 83 a passage from S. Aug. *De Nuptiis et Concupiscentia* is quoted from the *De Bono Conjugali*. His wonderful knowledge of Scripture might perhaps be the object of remark in our day, though in his own it was probably not more than was possessed by almost all theological students, at least by such as at all approached to his stamp. His reverence for it as the ultimate appeal in all controversies is unbounded. Thus he speaks (p. 18) of the "auctoritas irrefragabilis Scripturæ."

The present collection.

Of course this body of Letters forms a very small portion of what must have been a voluminous correspondence. The letters of Adam de Marisco, of which many were direct answers to letters of Grosseteste, afford ample evidence of this; allusions to letters from the bishop will be found in pp. 94, 101, 102, 116, 119, 140, 152, 154, 156, 160, 170, 262, 269, 308 of

[1] Mr. Brewer has remarked on the utter absence of all classical allusions and classical quotations in the letters of Adam de Marisco. (Pref. p. lxxxvii.) Is not, however, the passage in p. 274, "propter "causam vivendi, vivendi finem "facere," from Juvenal viii. 84. ?

Mr. Brewer's edition. When or by whom this collection was put together, or why this selection was made, cannot be conjectured. That it was a popular book is proved from the number of MSS. still or recently existing; and from the fact that an "Excerpta "ex Epistolis R. Grosseteste" was made, and evidently very widely circulated, as it occurs frequently in MSS. This consists of extracts generally of a theological nature, from Letters i.–lxxxix.

Fate of the MSS. of his works.

It is somewhat remarkable how unfortunate a fate has attended many of the MSS. of Bishop Grosseteste's letters. Leland's account of the condition of the library he left to the Franciscans has been already quoted. The Cotton MS., from which Brown printed, after having been removed from Westminster to the Cotton collection, perished in the fire of 1731. A MS. was said to be in the library of Trinity College, Cambridge, among the Gale collection, and it appears in the catalogue, and the table of contents prefixed to one of the volumes. It has, however, disappeared. There was another in Balliol College, Oxford, which was long since lost. This fate has also descended to our own times and to instances of single letters. A copy of the letter to the convent of Missenden (Epist. lxxxv.), which was in Merton College, Oxford, so recently as 1852, when Mr. Coxe compiled the Catalogue of MSS., is now missing. So, as has been mentioned, is the case with the tract "De Resignatione R. G." at York. There was also a life, mentioned by James, in his Ecloga, p. 35, at New College, Oxford. This, however, has long ago been missing, as Wood mentions his having searched for it in vain. A MS., mentioned in Smith's Catalogue as existing in Caius College Library,—a poem "In laudem R. Grosseteste," number 1134,—has been long since lost. A copy of the instrument giving the bishop's consent to the foundation of the priory of Chetwoode, in 1244, was burnt in the Cotton

fire.[1] A list and account of the MSS. that have been used for the present volume will be found at the end of the preface.

Order of the letters in the present volume.

In editing the present volume my first idea was to arrange the letters in chronological order, as far as that could be ascertained. But as they have been referred to by their numbers in the Cotton MS., which is the usual order in most of the other MSS., and especially as the dates of many must be conjectural, it seemed better to keep to this arrangement, and affix in the margin the most probable date to each letter. I have, however, arranged the table of contents in what I believe to be the true chronological order. The collector of these letters evidently aimed at a chronological arrangement, although in some cases he is evidently wrong; and I think, where there is no internal evidence, the order gives some clue to the date. Besides the series of 128 letters which form the usual collection, I have only been successful in finding three stray letters, which are all of very considerable interest. Those printed in Brown's collection[2] are iv., viii., x.–xii., xvii., xxii.-xxx., xxxii., xxxv.–xxxviii., xl.–lvi., lxi.–lxvi, lxviii., lxxi., lxxii., lxxiii.–civ., cvi.–cxxvi., cxxviii., and occupy about half the present volume. Where Brown's variations were apparently those of the lost MS., I have given them as various readings. Though some credit is due to him for their publication, his antiquarian knowledge was of a very low order, as the illustrative notes frequently display great ignorance.

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[1] It was founded by Ralph de Norwich. See the instrument in Dugdale, vi. p. 499. Pegge (p. 143) has corrected Browne Willis's error in stating that it was founded by Grosseteste himself.

[2] Appendix ad Fasciculum Rerum Expetendarum et Fugiendarum, Lond. 1690, by Edward Brown, formerly Fellow of Clare Hall. Brown would have written a life of Grosseteste, but died in 1699, before its accomplishment.

As complete lists of Bishop Grosseteste's works are to be found in Pegge, Tanner, Oudin, Leland, &c., I have not thought it necessary to repeat the list here, especially as they are chiefly theological: the list in Pegge occupies twenty-three closely printed quarto pages. If it were thought advisable to print such as would illustrate the history or social condition of his time, the following would be nearly all which would come under such heads:—

Other works of Grosseteste.

De Cessatione Legalium.[1]

Regulæ Agriculturæ per menses digestæ, or, as it is in English, "The buke of husbandry, and of plantynge "and graffynge of trees and vynes.[2]" There are also MSS. in French of this.

The *Sermon* presented to the Pope and cardinals at Lyons, which is printed in Brown, and of which mention has been made above.

One or two of the *Sermones ad Clerum*, also printed in Brown.

De moribus pueri ad mensam.[3]

I have spoken at the beginning of this preface of the various attempts to write Grosseteste's life, which came to nothing. Pegge's life (unfortunately one of the scarcest of modern books, owing, it is said, to a fire in the printing office) is a most creditable production, and will be found useful by all students of this period of history. Its great defect is its bad

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[1] What is contained in the edition printed in London, 1658, is a mere fragment.

[2] This was printed by Wynkyn de Worde in a tract of which there is a copy (supposed unique) among Bishop Moore's books in the University Library at Cambridge. There seems some doubt as to whether Grosseteste wrote this himself in French, and then translated it, or whether he merely was the author of the translation. There is a copy of this in Latin in the Bodleian Library, Douce, 98, f. 182.

[3] The curious "Statuta familiæ "R. G." Mr. Brewer has printed, *Monum. Francisc.* p. 582. He attributes them to A. de Marisco.

arrangement, and the facts not being narrated in chronological order under each year.

Lastly, it is perhaps needless now to point out the very great assistance that such a collection of letters as the present, especially when a chronological arrangement can be attained, affords towards enabling us to understand the history of the times, and the thoughts and motives of the actors. I think, however, that no apology will be thought necessary for quoting the following remarks of one who is, perhaps, the most qualified to speak upon this subject of any one now living—Dr. Maitland.

"I am so fully convinced of the value and importance of the immense number of middle-age letters " which are still in existence, and of their not having " been yet made to yield anything like all the very " interesting materials which they contain for history, " that it has appeared to me most desirable to obtain " something like a chronological arrangement of them. " The full value of such a thing cannot be estimated " until it is done; but even a slight acquaintance " with comparatively few of them is sufficient to " persuade me that, when brought together by the " chronology which we have, one of the first effects " would be a correction of that chronology in almost " innumerable instances.... Letters having no common " ties as to their writers, their locality, or their pro- " fessed subjects, and now suffered to lie in a wide " dispersion, would, if collected and arranged in order " of time, be found to dovetail in an infinite variety " of circumstances, and thus throw light on facts and " motives, fix dates, identify persons, explain con- " tradictions,—in a word, illustrate history in every " way, and that, perhaps, to a greater degree than we " can at present imagine, or could by any other " means perform."[1]

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[1] Maitland's *Essays on the Dark Ages*, p. 383.

My best thanks are due to the Master and Fellows of Sidney Sussex College for the loan of their MS. of some of Grosseteste's Epistles; to the Rev. W. M. Snell, Fellow of Corpus Christi College, Cambridge, for giving me access to the MSS. in the library of his college; to the Rev. Dr. Corrie, Master of Jesus College; the Rev. J. Glover, Librarian of Trinity College; and especially to the Rev. F. J. A. Hort, Vicar of St. Ippolytt's, for kind assistance in various ways.

Trinity College, Cambridge,
September, 1861.

Account of the MSS. of the Letters of Bishop Grosseteste, used in the Present Edition.

Epistolæ 1–127.—Corpus Christi College, Cambridge, 453. This is a duodecimo, on vellum, of 198 leaves, containing mostly 33 lines in a page, of the fifteenth century. It is complete, in good preservation, and written by a scribe of average carefulness. A facsimile of the first leaf faces the title page. I have called this C.C.C.

Corpus Christi College, Cambridge, 123. On paper, folio, with 52 lines in a page. It is dated December 14, 1456. This is unfortunately imperfect, many of the letters having been torn out. It is very carefully written, and I have generally followed it. It is called $C.C.C_2$.

Bodleian Library, Oxford, marked Bodley 312, N.E., C. 6. 13. This is on parchment, containing ff. 59, of which three are lost, in double columns of 57 lines. A second hand begins f. 83 of the volume, and then the columns contain only 51 lines. It is of the fifteenth century, and perhaps of the same authority as C.C.C., though generally rather more correct. But it possesses in Letters 25 and 127 corrections by Gascoigne, taken from Grosseteste's own autographs in the library of the Franciscans at Oxford; of course I have followed them in these two cases. Gascoigne's words are: "Copia istarum epistolarum est inter Fratres Minores "Oxoniæ, et ibi sunt omnes ejus epistolæ et sunt "optimæ." Of a sermon contained in the same volume, he also says, "Vidi illŭd opus correctum "manu propria ipsius domini Lincolniensis." I have called this Ox.

Epistolæ 1–58.—Sidney Sussex College, Cambridge, K. V. 5. A folio, on paper, containing also the Epi-

stolæ Petri Blesensis; Grosseteste's letters occupy the last 50 leaves of the volume. A few of the citations from the Bible are pointed out in the margin, and a somewhat later hand has occasionally corrected the MS. It is a transcript from a MS. formerly in the library at Durham. It is headed, "Epistolæ quædam "reverendi patris Roberti Grosthed, quondam Lin- "colniensis episcopi, prout repertæ sunt in libro im- "perfecto manuscripto in bibliotheca Dunelmensi." It was given to the college by Samuel Ward, S.T.D., Collegii Magister, in 1643, which must be about the date of the MS. It is more correct than either C.C.C. or Ox. I have called this Sid.

Epist. 5.—Bodleian Library, Oxford. Digby, 220. On parchment, folio, of the fifteenth century. This is entitled, "Ad com. Wynton. de Judæis non moles- "tandis." It is f. 83 of the MS. I have called this Digb.

Epist. 127.—Trinity College, Cambridge. B. xv. 23. On parchment, containing ff. 16, in double columns of 50 lines, of the fifteenth century. This, which I have called Trin., is written by a very ignorant scribe.

Epist. 128.—Of the innumerable copies of this letter, I have given the various readings of two. (Cant.), a MS. on parchment in the Publick Library at Cambridge, Ii. i. 19, of the fourteenth century, and (Ox.) one in the Bodleian in the same volume (though in a different hand) as the other letters (Bodley 312). But I have given also the variations in the copies in Matthew Paris and the Burton Annals, which, as taken from older MSS. than any we have now, are of greater value.

Epist. 129.—This is from the Register of Bishop D'Alderby, bishop of Lincoln from 1300 to 1320. I learnt its existence there from Wood's *Hist. et Antiq. Univ. Oxon.* i. p. 94, where it is printed. It is now printed from the original.

Epist. 130.—Bodleian Library, Oxford. Bodley 750. This letter is found in the last three pages of this volume, a quarto, on parchment, of the fourteenth century; there are 30 lines in a page.

Epist. 131.—Corpus Christi College, Cambridge, 107. This letter is §10, f. 94, *b*.

There is a MS. in the Cathedral Library at Prague, to which Neander, *Ecclesiastical History*, vii. p. 387, note (Bohn's translation), refers, which contains the whole collection of letters; it was copied from one of the English MSS. at the beginning of the fifteenth century. An account of all the MSS. of Grosseteste preserved there is given in the letter of Mr. Sheppard of Trinity Hall, formerly travelling Bachelor of the University of Cambridge. MS. Bibl. Publ. Cantab. Oo. vi. 97, § 49.

CONTENTS

OF THE

LETTERS OF BISHOP GROSSETESTE.

A discussion of two questions: (1.) Deus est prima forma et forma omnium. (2.) De Intelligentiis, *i.e.*, on the nature of Angels.

There is nothing to show the date of this letter, except that it was probably written before Grosseteste had any preferment, and therefore before 1210. It has been printed in two separate tracts, with the titles, *Tractatus de unica forma omnium* and *Tractatus de Intelligentiis*. Venet. 1514. Leland writes the title of the first, "De formis ad Adamum *Mariscum*," and that of the second, "De natura intellectus."

A letter of consolation to the convent on the loss of Adam of Oxford, who is about to preach to the Saracens.

This letter was written while Grosseteste was archdeacon of Leicester, after Adam of Oxford's entry into the order of Friars Minors, and before his departure, which seems to have followed his entry soon, and thus probably in 1225. *See* Eccleston de Adventu Minorum, p. 16.

He had obtained leave to go on pilgrimage, but on going to take leave of the bishop, the question of the journey was discussed by him, his brother the bishop of

A request that he may have John de St. Giles and Geoffrey de Clive with him for a year.

Written immediately after his consecration in 1235.

He prays that his request for John de St. Giles and Geoffrey de Clive may be granted, and also that a third may be sent him from the friars, skilled in canon and civil law.

Written in 1235.

He persuades him to come and preach in his own country —begs him to stay with him.

Written probably in 1235, when John de St. Giles was accompanying the princess Isabella, who was sent to her husband the emperor.

He is grieved that his refusal to institute W. de Grana has been ill received; his youth and ignorance made it impossible to commit a cure of souls to him. R. states that he only abstained from an appeal because Grosseteste is new to his office; he regrets this only for R.'s sake. In order to show that he is not ungrateful for past favours, he promises to pay W. de Grana ten marks yearly till he gets a better benefice. Hopes R. will continue his love.

Written probably in 1235.

He has received letters from Boetius, the Pope's nuncio, requesting him to give R. free disposition of his church of Chalgrave. But putting it out to farm is not free disposition. The provincial council has spoken strongly against putting out livings to farm. Boetius has threatened him, but he fears not the threats of man.

Hopes that he will not be indignant, because he has not admitted his relation to a living, his excuse being that

this person was almost illiterate. Sends his answers in the examination, that J. B. may see for himself.

XX. To Adam de Marisco - - - - p. 69.

Thanks for his prayers and counsel. So far from his letters being troublesome, they are the greatest comfort. Begs he will come to him at Liddington, as he has several matters to consult him about. Since Garinus has been recalled, he has none of the Friars Minors or Friars Preachers with him. Begs A. that he will procure some of the Minors to be sent to him.

Written probably in 1236.

XXI. To the Archdeacons of his Diocese - p. 71.

The king has forbidden merchandise to be sold at the fair of Northampton in the church or cemetery of All Saints; the archdeacons are directed to see that no goods are exposed for sale in sacred places.

Written in 1236.

XXII. To the same - - - - - p. 72.

Injunctions against various abuses in the diocese; scotales; various games; scandalous behaviour at vigils, funeral feasts; games in churches and churchyards; mothers and nurses overlaying their children; private marriages; parish processions; Easter offerings; refusal of the sacraments when a fee has not been paid.

Written in 1236.

+ XXIII. To William de Raleigh, Treasurer of Exeter. p. 76.

On the question of bastards becoming legitimate by the subsequent marriage of their parents. W. de R., as a judge in the king's court, is warned against the law denying their legitimacy. The question argued by natural and divine law; by the analogies of Scripture, analogies of nature, natural reason, canon law, civil law, and ancient custom. The power of secular rulers is inferior to that of the ecclesiastical rulers, as the former is derived from the church, through the two swords wielded by the Pope. He warns R., as a judge and a friend of the king, to endeavour to bring the civil law into agreement with the ecclesiastical.

Written in 1236, before the parliament at Merton in that year, when an attempt was made to alter the laws on this point.

XXIV. To the same - - - - p. 95.

Is grieved at W. de R.'s derisive complaint of the length of the last letter, who accused him of endeavouring to change the laws of the kingdom by arguments derived from the Old Testament; replies briefly. His wish that Grosseteste held his office as a judge not a kind one, as it is very far from being a bishop's office. Will always love W. de R.

Written in 1236.

XXV. To Hugo de Pateshull - - - p. 97

Entreats him not to take a larger benefice, as he neglects what he has already, through his secular affairs. He ought to give up either his worldly business or his pastoral charge. Although the canon laws may not oppose him, he must beware lest the divine laws do.

Written probably in 1236; certainly before 1240, when H. de Pateshull became bishop of Lichfield.

XXVI. To Edmund, Archbishop of Canterbury - p. 101.

The abbat and convent of Oseney have acted deceitfully in ascribing their non-payment of 50 marks to Boetius to Grosseteste's sequestration of the church of Iver, which concerned only the next year. The archbishop is also deceived by others. Thus G.'s reason for refusing the parsonage of Woodford to Hugh Ravel was his youth. In the suit between John de Crakhall and the archdeacon of Bucks with W. de S. Quintin, G.'s authority was declined, because Crakhall was his friend, whereas he meant to commit the cause to persons above suspicion. Hopes that the archbishop will find some means to prevent his being worried by such frivolous complaints. He has been summoned before the king's court for omitting to state, in cases of bastards, whether they are born before or after the matrimonial contract between the parents. Desires the archbishop's advice under the circumstances, as he must offend either God or man.

Written in the year after his consecration, and therefore in 1236.

XXVII. To the same - - - - p. 105.

The abbat of Ramsey has received a royal mandate to act as itinerant justice for the counties of Bedford and Bucks, which is contrary to Scripture and the canons.

Begs the archbishop to induce the king to recall the mandate; if not, and the abbat persists in acting, he must forbid him, though aware he will suffer for it. Hopes for the archbishop's support.

Written in or soon after May 1236, when the royal letter is dated.

XXVIII. To the same - - - - - p. 108.

The king is trying to make religious persons itinerant justices, and to bring clerks before the civil courts in personal actions; Grosseteste has been threatened by the king for opposition. The archbishop has twice answered that it is best to wait for the assembling of a council. But is it a sin or not? It clearly is so, from various reasons; and if so, the prelates who permit it sin also. He calls on the archbishop to come forward as a leader in Israel.

Written probably in 1236.

This and the previous letter are printed in Raynaldi, xxi. pp. 153, 174.

LXXII*. Directed to Edmund, Archbishop of Canterbury - - - - - - p. 205.

On various attacks on the liberties of the Church.

The king has appointed certain abbats justices itinerant. Abbats who undertake this office sin grievously, and so also all other ecclesiastical persons; and the king who compels, and the prelates who do not resist. It is also against the canons for churchmen to hold secular stewardships. There are also other invasions of the liberties of the Church: ecclesiasticks have been compelled to submit to lay tribunals, in which both the judges compelling and the clergy consenting sin; and the secular judges add sin to sin in determining in doubtful cases whether they belong to ecclesiastical or lay tribunals. Discussion of and answer to certain objections to this. Again, the king has prevented the ecclesiastical judges from deciding causes known to be purely ecclesiastical, and hindered their decisions. Prelates too have been compelled to account to the secular power respecting the right of patronage to benefices, and their refusals to institute persons presented. The king is thus in danger of resembling Uzziah. The Oxford council has excommunicated all who deprive the Church of her rights, and by Magna Charta the Church is to be free. Indeed, the archbishop

has only recently absolved the king and barons from excommunication, which they feared they had incurred through archbishop Langton's sentence. Summary of the whole, and several briefs in proof of the above statement.

This is not a *letter* to the archbishop, as is shown by the mention of his name in p. 231, but is more of the nature of a political pamphlet, sent first to the archbishop for his approval.

It was probably written in 1236, the date of the brief in p. 205.

XXIX. To King Henry III. - - - p. 114.

The persons and property of the crusaders have been taken under the Pope's protection, and also under that of the archbishops and bishops. He therefore begs that Richard Syward, marked with the cross by his own hand, may be released from prison, unless he has profaned his calling afterwards, or been unworthy of the assumption of the cross by his previous conduct.

Written in 1236, when many nobles assumed the cross. *See* Matt. Par. p. 431.

XXX. To Philip de Kyme - - - p. 116.

He has instituted a prior to Kyme, and trusts that Philip de Kyme will not be angry because his own presentee has been rejected on the ground of unfitness. He has frequently quashed the elections in monasteries in the king's patronage, and his institutions have been accepted. The new prior is a good man, and has taken the office against his will.

Written probably in 1236. P. de Kyme died in 1242.

XXXI. To Fr. Helias, Minister-General of the Franciscans. p. 117.

A request that Ernulfus, the Pope's penitentiary, and Fr. Ralph of Rochester, may be directed to pay attention to his business.

Written probably in 1236.

XXXII. To the Dean and Chapter of Lincoln - p. 118.

He forbids a licentious feast of fools to be held, as had been customary, on the Circumcision, in Lincoln cathedral.

Written probably in 1236.

XXXIII. To John de Foxton - - - p. 119.

He congratulates J. de Foxton on having borne his troubles well, and thanks him for his prayers. J. de Banbury has said that he is about to sell some copies of the Scriptures, and to devote the money to pious uses. If so, Grosseteste will be glad to buy the books, and will send the money at his correspondent's convenience.

Written about the same time.

XXXIV. To Alexander de Stavensby, Bishop of Lichfield - - - - - - p. 120.

The bishop has spoken against the Friars Minors before the people of Chester, because they wished to live there together with the Friars Preachers. He thinks this cannot have been done deliberately, for the two orders of friars are advantageous rather than otherwise to each other, and the Minorites do so much for the people among whom they live, especially making up for the defects of the prelates.

Written about the same time.

XXXV. To Pope Gregory IX. - - - p. 123.

As a proof of his devotion to the Pope, he desires him to give him some bodily task. As, however, his performance of this cannot yet prove his devotion, he sends a small present.

Written probably soon after his consecration.

XXXVI. To Cardinal Giles - - - p. 125.

Expresses his veneration for the cardinals, on whom the universal church rest, as the world does on its "cardines," and especially now that he is himself a bishop. He writes to Giles rather than to the others, because when archdeacon of Leicester, he had corresponded with him about his nephew P., beneficed in that archdeaconry.

Written soon after his consecration, probably in 1236.

XXXVII. To Fr. Raymund of Penafort, a Dominican. p. 128.

Though he has never seen him, yet he knows him well by the report of others. He requests him to examine and

XLIII. To John de Ferentino, the Pope's Chamberlain. p. 135.

Begs his help and good will for S. de Arden.
Of the same date.

XLIV. To Cardinal Thomas - - - p. 135.

He has heard how the cardinal loved his predecessor, bishop Hugh, and hopes that this love may be continued to himself, who was also much loved by Hugh, and his diocese, and that he will forward his affairs.

Probably of the same date.

XLV. To Cardinal Giles - - - - p. 137.

Thanks for his kind letter sent by the bishop of Lichfield.

This may be the answer to the cardinal's answer to xxxvi., and therefore of the same date as the last, 1237.

XLVI. To the same - - - - p. 138.

He has given a prebend at Lincoln to Richard de Cornwall, at the request of the cardinal. Its value is small, but will increase. Hopes he will do its duties. As he will receive no fruits till Martinmas, when he comes into residence he is invited to stay with Grosseteste and be at his table.

Written probably about the same time, 1237.

XLVII. To Richard of Cornwall - - p. 140.

The letter, most probably sent with the last, making him the offer of this prebend.

Of the same date.

XLVIII. To Simon de Montfort - - - p. 141.

On the injustice of over severity. He is warned not to punish S., a burgher of Leicester, above the measure of his fault.

This seems to be Simon de Curlevache, from whom de Montfort extorted 500 marks. See Matt. Par. p. 468. If so, the letter was written in 1238.

XLIX. To the Cardinal Legate Otho - - p. 144.

Otho has nominated his clerk Atto to the prebend at Lincoln, lately held by R. de Warminster, but it has been already filled up. Grosseteste's reverence for the Church

of Rome is so great, that if the Pope and cardinals were to order him to go to preach the gospel to the Saracens, though weak and infirm in body, he would at once go. He knows that they have the power of freely ordering concerning ecclesiastical benefices, but interference with the rights of patrons can only cause scandal. Otho ought not therefore to have thus confused him by conferring this prebend on his own authority, especially as he is ready to provide liberally for any of Otho's friends; although, since his consecration, a nephew of the Pope's was promoted to one of the best of the Lincoln prebends. Hopes that Otho will recall his collation.

Probably written in 1238. Atto is mentioned by Matt. Par. p. 448.

L. To Robert de Hayles, Archdeacon of Lincoln p. 146.

He intends to preach to his clergy in their deaneries. The archdeacon is therefore directed to desire the rural deans to call the clergy together at the times and places he shall appoint. All churches to be consecrated must be got ready, as the Council of London has required all not yet consecrated to be consecrated within two years. Asks for advice respecting procurations and clerks guilty of incontinence.

Written probably early in 1238, as the Council of London was held in November 1237. *See* Matt. Par. p. 449.

LI. To Thomas Wallensis - - - p. 147.

As Robert de Hayles is dead, he offers the archdeaconry of Lincoln with a prebend to Thomas W., on the understanding he is to reside upon it. Believes him to be the fittest person for the post. Exhorts him not to hesitate to leave his chair at Paris, as this is a higher office, nor to fear any accusation of greediness or ambition.

Written in 1238.

LII. To Cardinal Otho - - - - p. 151.

Otho has requested him to admit to the benefice of Rand, Thomas, son of earl Ferrers, though too young and not in holy orders. His scruples about this. Begs Otho to persuade the earl to present some other fit person; otherwise, refers the matter for this time to Otho himself. If Thomas does have the living, hopes that a vicar may be appointed, or a proper pastor, some provision being made for Thomas, without any cure of souls, out of the benefice.

Written probably about the same time.

A full table of contents will be found in pp. 164–166.

Probably written in 1238, certainly after the Council of London, Nov. 1237.

Begs them not to send to their cells or lands monks of bad character or weak mind. Sends back two from Minting, Philip guilty of adultery, and Theobald of fornication; both given to hunting and archery.

Begs him to send a fit person to the priory of Minting.

He will come in person and examine the case of the aged penitent H., canon of Dorchester, who wishes to die among his brethren. Grossteste's opinion is that he had better stay, as, if what the abbat of Leicester says is true, he will find more consolations for his infirmity and old age there than at Dorchester. Replies to their accusation of hard-heartedness.

The earl has written that he is astonished at the citation of himself and his chaplain to appear before Grosseteste, and the suspension of the latter. But he has caused his chaplain to celebrate mass in his hall at Grantham, an unconsecrated place, and otherwise unfit, on the ground of his health. The chaplain has been suspended for repeated contumacy; and to summon the earl was to give him an opportunity of clearing himself.

Probably written about 1238, certainly before May 27, 1240, when the earl died. *See* Matt. Par. p. 526.

Having during a quiet week met with a Greek work on the monastick life, he translates it for them.

In praise of the Franciscans in England, whose order is in great danger. Their excellence and usefulness. Hopes that the Pope will prevent their light from being extinguished.

Commends the Franciscans to him. Their influence by preaching and example. Danger to the whole order through the unrestrained will of one man.

This seems to refer to Fr. Helias, the minister-general, of whom Eccleston, p. 45, says, "Propter carnalitatem et "crudelitatem suam totum turbavit ordinem." If so, it was probably written just before his deposition, and, therefore, in 1238.

The importance of electing a fit person to the vacant bishoprick of Winchester. The king, it is said, has been staying near Winchester, and endeavouring by threats and promises to force the convent to elect his nominee. Otho is desired to persuade both the king and convent only to direct their attention to electing a fit man.

Written in 1238.

An explanation of the previous letter, which was obscure through its brevity. His real opinion about the fittest person for a bishop. He did not intend to say anything sharp, but only to excite Otho to be anxious about the appointing a fit person to Winchester.

Written in 1238.

Declines to grant his request to second his suit with the Pope. It would only be taken advantage of by his enemies; it is much better for no one to write for him, but to leave the result to God.

This is about the bishoprick of Winchester, and, therefore, written in 1238.

Before the abbey church of Ramsey is consecrated, all furniture not being fixtures, and all bodies are to be reverently removed, and to be replaced after consecration, as was the case when archbishop Langton consecrated the conventual church of the Holy Trinity in London.

Written in September 1238, when the church was consecrated (Matt. Par. p. 481).

Trusting to his past kindness, he sends his clerk, S. de Arden, to the Pope, hoping he will lend a favourable ear to all his proposals that have a good tendency.

Written probably in 1238.

Congratulates the cardinal on his promotion, and hopes he will forward his cause in the Roman court. In the matter of the vicar of Maxey, he has allowed him, though hesitatingly, to accompany the cardinal, provided he finds a substitute; but in future he would rather leave such matters to the cardinal himself. If he has, as he says, a true zeal for God's cause, he will prove it by the restoration of his church of Castor.

His thanks to his correspondent, because on his return to Rome he silenced his detractors before the Pope and cardinals, and forwarded his business at Rome.

Thanks for his kindness, and hopes that it may continue and increase.

As his predecessor Hugh found a friend in the cardinal, he hopes he will forward his present business in the Roman courts, which will be explained by his proctor, S. de Arden.

Hopes for his continued friendship.

Thanks for his assistance to S. de Arden, Grosseteste's proctor, at the Roman court.

The above letters were all written at the same time, probably in 1238 or 1239.

LXXI. To the Dean and Chapter of Lincoln - p. 199.

His quarrel with the dean and chapter. He speaks of his weak health; of his sincere affection for them, and believes they have a filial affection for him. He desires them to tell him in what he has done wrong clearly and in detail, instead of indulging in general denunciations and appealing to the Pope, as he will correct all injuries on his part that he knows of.

Written in 1239. *See* Matt. Par. p. 485.

CXXVII. A Pamphlet, sent to the Dean and Chapter of Lincoln, on the Bishop's Right to visit his Chapter - - - - - p. 357.

From the advice of Jethro to Moses, we learn that there are different kinds of ecclesiastical powers, Moses being the type of Christian prelates. In appointing assistants to help him, he did not give up or diminish his power, but reserved to himself the more important cases. The same is true of the prelates, as appears by the example of a mirror reflecting the sun's rays. What the inferior power can do, the superior can, though not the contrary; for inferior judges have only individual cases committed to them, since, if a whole diocese or chapter goes wrong, only the prelate can judge it. To the prelates is therefore reserved the judgment and correction of all cases, individual and universal, their coadjutors sharing in their burdens, but not diminishing their power. The Pope and the bishops correspond to Moses and his assistants; and what the Pope is to the whole Church, that is each bishop to his own diocese, he taking helpers for his work, and they others for theirs, and so down to the lowest, many things still being reserved for the superior power. An objection deduced from the instances of rural deans and Cistercian abbats being able to visit their affiliated houses, which yet the bishops to whom those abbats are subject cannot, is answered by showing this is a special privilege from the Pope. Unless then the dean and chapter have a special exemption from the Pope, they must be subject to the bishop's visitation, as he cannot diminish his own powers, as is shown by several examples. The Pope cannot diminish his power which he has from Christ, nor a bishop his which he has from the Pope, as is shown by scriptural examples, *e.g.* God's covenant with the Israelites, which must embrace the arrangement of ecclesiastical powers,

as the fifth commandment applies more strongly to spiritual than to natural parents. A bishop, therefore, must visit all in his diocese who are not exempted, as a shepherd does his flock. Indeed, a pastor cannot do his duty without visiting. From Ezekiel we see in what the feeding a flock consists; there is a difference between *visor* and *visitator*. The dean, who always resides in the cathedral, cannot be its visitor, nor, if he could, would that be any reason for excluding the bishop. This is shown by various examples. What the advantages of frequent visitation are S. Bernard has shown. It appears then that the bishop's power to visit is always reserved to him, except in special cases of exemption from the Pope, because, however an inferior may limit this power, he cannot do away with it. This is shown by reference to various scriptural examples, —Jacob feeding Laban's sheep; Jacob's sons; the elder son in the parable of the prodigal son, &c. Again, ecclesiastical discipline as well as exhortation is often necessary, as appears from the case of David keeping the lion and the bear from his flock, for he would not have been hindered in defending his flock by the shepherds under him; neither can the bishops by their subject pastors. Besides, the subject shepherds are inferior in power; so the power of the chapter in repressing vice is inferior to that of the bishop. An argument is drawn from Samuel's circuit, who was to the Israelites what the Pope is in the Church, and each bishop in his own diocese. As the sun gives light to the moon and stars, so the Pope imparts power to the bishops, and the bishops to their inferiors in each diocese. They can no more hinder the bishops, than the moon and the stars the sun's shining. Another argument is drawn from Adam and Eve, Eve being a type of the assistants to the bishops. As a husband desires to have his wife's person free from all stain, so does the bishop the souls of all his diocese, and especially the cathedral chapter. Again, to take an example from art and artificers, a worker in gold or brass ought to be able to know their difference and to detect impurities, and so the bishop in the "art of arts." The bishops are also watchmen, and this involves discipline as well as exhortation, as appears from various examples. Watchmen are placed in vineyards to protect the vines; and though the charge belongs to the head watchman, yet he is pleased if the inferiors anticipate him in the watch, and he must see that they do their duty. So also the bishop. Again, he is a spiritual physi-

cian, who must inspect the physicians under him. In all arts the master must know all the circumstances of the art so as to correct errors, and how can this be denied in the "art of arts?" The bishops are like parents and nurses towards their children, and though the inferiors may be themselves parents also, yet they are sons, and therefore subject to the bishop. Then in Paradise, though God gave it in charge to angels, yet Himself punished Adam's sin. Other instances from Scripture. What the duties of bishops in their dioceses are. Ezekiel's vision used as an example to them; Jeremiah a type of them as pillars of the church. The commission given to inferiors no more takes away the bishop's power than Christ's to His apostles took away His. There are many ample proofs in Scripture, which is the direct command of God. No civil law or custom ought to interfere; indeed no custom can be alleged, for custom is the habit of a lawful action, and the absence of visitation is a positive evil; nor is the absence of visitation liberty. What liberty really is Philo Judæus has shown. The chapter cannot think themselves too great to be visited, as appears from our Lord's own submission, to say nothing of others; nor can they be free from all need of a physician, when we find in Scripture that none have sinned so grievously as priests; and even if they never go wrong, they may do so, and therefore require visitation to keep them right.

When the bishop comes to his church the bells ought to be rung to give notice of his arrival to the people, even if he returns within a short interval, as scarcely a day passes without some one's needing absolution from the bishop.

Obedience is due to fleshly fathers, and so much more to spiritual; and the bishop is much more of a father towards the dean and chapter than the dean is towards the chapter. God listened to Joshua's word, and stayed the sun. What pride, then, must theirs be who refuse to listen to God's word, who has appointed the higher powers to be obeyed!

Written probably at the beginning of the quarrel with the dean and chapter, and therefore in 1239.

LXXII. To John Romanus, Subdean of York - p. 203.

He cannot institute the nephew of his correspondent, who is very illiterate, to Stamford-on-Avon, though he is grateful for past kindnesses.

LXXIII. To the Dean and Chapter of Lincoln - p. 235.

Progress of the quarrel with the dean and chapter. The chapter have stated that the bishop has no power to decide causes or correct offences of canons or persons connected with the cathedral, except by appeal or neglect of the dean. Examples of the results, if this opinion be acted upon, and contrary arguments from Scripture. He thinks the chapter cannot have perceived these consequences, but if they have, and still desire to carry out their ideas, wishes to know on what special law they rest.

Written in 1239.

LXXIV. To the Cardinal Legate Otho - p. 241.

Otho had requested a prebend at Lincoln, formerly held by H., for his clerk Atto. Grosseteste told P., Otho's clerk, through whom the request was made, that he would give his answer to Otho on his arrival in England, after due consideration. He mentions now three points against granting the request: (1) the fear of favouritism; (2) he is unwilling to give Atto a prebend with cure of souls without a dispensation, as he has a cure already, and he himself, who once held a prebend of this description and a parish together, resigned the latter after consulting the pope; (3) he thinks Atto is not best suited to Lincoln. However, he finally leaves the case to Otho's judgment.

Written while Otho was in England, therefore between June 1237 and December 1240.

LXXV. To Simon de Montfort - - - p. 243.

Has received his letter speaking of the weight of his troubles, which he exhorts him to bear patiently. Promises to plead his cause with the king, and to administer comfort to his household, especially the two mentioned in his letter.

Probably written in August 1239. *See* Matt. Par. p. 497.

LXXVI. To the Cardinal Legate Otho - - p. 245.

His clerks R. de Raveningham and J. de Crakhall, on their return, have told him of Otho's regard for him. Is sorry that Otho is angry, because, acting on the authority of the abbat of Pershore, delegated by the Pope, he has directed the archdeacon of Lincoln to absolve a clerk excommunicated by Otho. He had thought that in conversation Otho had approved of this beforehand.

The date is between the same limits as lxxiv.

He cannot discharge the office of a pastor without visitation and consequent correction. He prays the Pope's help against the dean and chapter, who, though they are not exempted by any privilege from his jurisdiction, have thrown every possible obstacle in his way; and especially that the Pope will grant no letters to them against him to judges in England, until his messenger shall arrive in Rome.

Written in 1239.

A request that the bishop will extend his love to the bearer, R., a clerk of Grosseteste.

Probably written in 1239.

Thanks him for his letter and his desire that he may be at peace with his chapter. He is very anxious for peace himself, and would have gladly waited before proceeding further till Otho's arrival. But they have had a proctor since Whitsuntide (May 15) at the Roman court to obtain letters against him to judges whom he suspects. If he can be shown to be wrong in anything, he is prepared at once to correct and amend it.

Written in 1239.

Account of the progress of the quarrel. He had suspended the dean, precentor, and subdean from entering into the cathedral, because they refused to recall their order commanding the vicars and chaplains ministering in the prebends and churches belonging to the chapter to disobey him when he wished to visit them. On September 7 he gave notice he would visit the chapter on a certain day, and began to visit some prebends. But they met on October 7, made a publick statement in the cathedral on the following Sunday, and having obtained leave from the people, at once many of them started for Rome to appeal, sending also messengers and letters to all the other chapters in England. On the appointed day he found no one at Lincoln, and was summoned to London to

meet the archbishop on important business on November 3. In London the dean and the other canons waited for him, in order, as they said, to treat with him for peace. He was in doubt about the right course of proceeding, and mentions the arguments against and for excommunicating them at once. At last he preferred a middle course, to refer the matter to arbitration; but felt the difficulty of finding an impartial judge; as who would like to offend all the chapters in England? Besides, no one in a subject condition would be likely to pronounce for the visitation, as all inferiors hate to be visited by their superiors; even this is the case with the bishops, as is proved by the present suit respecting visitation between the archbishop of Canterbury and bishop of London. At length he made two proposals to the chapter, which he mentions, but which were both rejected; and finally made a third, to send before Christmas to the Pope, that he would refer the case to the bishop of Worcester and the archdeacons of Worcester and Sudbury, who are to determine finally on the case, or else, after sufficient consideration within a certain time, to refer it to the Pope for his decision; both the bishop and the dean abstaining from visitation in the meantime. To this they agreed, and he directs his proctor to abandon the former petition, and to await this new application, for which he and the chapter are about to send two clerks in common.

Written in November 1239.

LXXXI. To Pope Gregory IX. - - - p. 260.

He has mentioned how the chapter have resisted his authority, even when armed also with the Pope's. Begs him now to agree to the proposal made for the sake of peace.

Written in November 1239.

LXXXII. To the Cardinal Legate Otho - p. 262.

Applies to the cardinal to prevent the abbat of Croyland from acting as justice itinerant. Has already applied to archbishop Edmund, but has failed in his application. As Otho was so anxious that he should be at peace with his chapter, he tells him that he has offered two proposals to them, which they have rejected, but a third proposal has been accepted. He is anxious to know Otho's opinion of this; he was induced to do it both by the desire to remove

all occasion of scandal, and by the advice of many prudent persons. Hopes that the Pope will not take it ill, after he had fortified him with his authority, and dismissed empty the proctor of the chapter. Wishes to know when Otho will pass through his diocese.

Written in or soon after November 1239.

There are rumours of bribery and intimidation in ecclesiastical elections. He entreats the archbishop to resist this, especially in the case of the election to the bishopric of Hereford, shortly to be held. Advises him to use strong persuasion to the chapter, and to send agents to explain the liberties granted to the Church by Magna Charta, &c. After it is over both the election and the person elected should be carefully scrutinized before being confirmed.

Written in 1240, while the bishopric of Hereford was vacant.

Rebukes them because they have reviled and punished H., dean of Christianity (*i.e.* rural dean) at Lincoln, because he denounced them for trying capital causes on Sunday. Even if he were in fault, they had no right to punish him, for the crimes of the clergy are not to be judged by laymen, and the Church cannot thus lose her liberties.

Probably written in 1240, when justices itinerant were sent throughout the country, and R. de Lexinton was placed at the head of those assigned for the northern counties. *See* Foss's Judges, ii. p. 386.

On the importance of choosing a head. He exhorts the convent to choose a fit person for their abbat, and not to act as if they preferred their pigs to their souls.

Written in 1240, when the abbacy was vacant.

Protests his love for them, which is best shown by seeking their good; by persuasion, reproof, and chastisement. Their falsehood in the matter of Richard de Kirkham, who has suspended or excommunicated some of them,

they having said that he had no jurisdiction over them, although they themselves had asked for him as their judge. They are pursuing him in a spirit of revenge by crafty devices, as Thomas archdeacon of Lincoln and J. de Crakhall will explain, or at least others subject to their command are doing so.

Probably written in 1240.

XCI. To THE SAME - - - - - p. 285.

On their conduct with respect to the royal prohibition. He had cited them to appear before the king's court, because otherwise the king would not recall the prohibition. But they need not have appeared. They pretend that peace is the sole object of their continual visits to the royal court, whereas they have never spoken of peace when he has been present. How can they be trusted when they have violated the promises contained in their sealed documents? What rational peace have they ever offered or he refused?

Probably written in 1240.

XCII. To THE SAME - - - - p. 287.

If their object in visiting the king's court so often is to prevent the royal prohibition from being recalled, and so to have the matter transferred from an ecclesiastical to a civil tribunal, they have incurred the sentence of excommunication of the Oxford council. Asks them to consider how such conduct agrees with their sworn compact at Thame.

Of the same date.

CIV. To THE CARDINAL LEGATE OTHO - - p. 311.

S. de Arden has returned to him from Otho, and led him to fear that Otho is offended at him. Trusts that this is not true, though he is aware how many detractors he has. S. has intimated that Otho is displeased at his sending without writing, as if he did not show sufficient respect. But this only occurred once in the case of asking favour for the prior of Davintry, and that from peculiar circumstances.

Probably written in 1240, before Otho left England.

CV. TO THE SAME - - - - p. 313.

He had just heard from R. that Otho is going to Rome. His weakness of health will not allow him to share his journey, as he wishes, or the shortness of the time to accompany him to the sea. He begs his good offices with the Pope that he may excuse him from attending the council shortly to be held. Hopes for his continued friendship.

Written just before Otho's departure, and therefore in December 1240.

XCIII. TO THE DEAN AND CHAPTER OF SALISBURY - p. 290.

They have urged him to consent to peace with his chapter. He is most anxious for peace, but it must be a true, not a false one, and he is sure they would not wish him to consent to any other.

Of the same date as xciv., and therefore 1241.

XCIV. TO THE DEAN AND CHAPTER OF LINCOLN - p. 291.

They pretend a desire for peace, and speak of the difficulty of keeping on good terms with him. He justifies his excommunication of their proctor Nicholas from their conduct by means of Odo de Kilkenny, their proctor, when they obtained fresh royal letters, and from their excommunication of his dean, who was in no way subject to them, in contempt of him. If they appeal to the monks of Canterbury, he will excommunicate them.

Written while the see of Canterbury was vacant, and the monks claimed archiepisoopal jurisdiction, probably in 1241.

XCV. TO THE SAME - - - - p. 296.

He asks for the co-operation of the dean and chapter against the present attack of the common enemy, as the citizens form the defence of the city. Asks their advice on the best course to be pursued.

Probably written in 1242, while the king was collecting money from all quarters before going abroad.

XCVI. TO HUGH DE NORTHWOLD, BISHOP OF ELY - p. 297.

Intreats him not to destroy his suit by allowing the absence of one of the judges. He will give full security for holding both the bishop and Richard de Kirkham harmless.

As he has hitherto supported him in his cause by the said Richard, he will not surely now desert him. Writes in anxiety, his messenger having returned empty.

Probably written in 1242.

XCVII. To Richard de Kirkham - - - p. 299.

Intreats him not to absent himself, as this would be the ruin of his cause. Assures him that he will indemnify both him and the bishop of Ely. There is no reason for fear; and he sends him a safe conduct as far as Davintry, whence he will himself conduct him. Warns him not to disgrace himself.

Of the same date.

XCVIII. To Walter de Cantilupe, Bishop of Worcester. p. 300.

As the bishop exercises the position of Moses, as judge between Grosseteste and his adversaries, he hopes he will show the zeal as well as the meekness of Moses in the matter. Trusts also, that as he began so well in despising the royal prohibition, he will continue so to the end.

Of the same date.

XCIX. To the same - - - - p. 302.

The bishop has consulted Grosseteste, through his clerk Leonard, about going across the sea with the king, and this at the king's expense. It must depend on what is best for the souls of his flock. Adam de Marisco is coming to him soon, and he will discuss the matter with him, if the bishop will give him his views on both sides of the question.

Written in 1242, when the king went abroad.

C. To Matthew, Provincial Prior of the Dominicans - - - - - - p. 304.

Complains of the delay in sending two Dominicans to attend him, which, although he considers it as an act of liberality, yet is due to him by a papal privilege. Hopes they will be changed less frequently.

CI. To King Henry III. - - - - p. 306.

Thanks him for news of himself, the queen, and his family, and his inquiries after himself. Defends himself

upon the queen to persuade the king to cut off the new causes of disturbance.

This seems to have been written in 1243, when the king was extorting large sums from all parties.

LXXXVI. To Boniface, Archbishop Elect of Canterbury - - - - - - - p. 271.

Congratulates Boniface on his appointment, after the see had been so long destitute of a pastor. The Pope has confirmed the claim of the bishop of Norwich to the bishopric of Winchester, and desired the king to restore him the castles and manors of his diocese; if the king persists he will violate Magna Charta. Advises him to induce the queen his niece to intercede with the king, that the archbishop's first entry into England may not be disturbed by discords of this nature.

Written probably towards the end of 1243, soon after Boniface was confirmed. He came to England April 22, 1244.

LXXXVII. To the same - - - - - p. 273

As caution is needful in admitting to the cure of souls, he remits the presentee to the Church of Castor to Boniface, who knows him, which Grosseteste does not.

Probably written in 1243.

LXXXVIII. To the same - - - - - p. 275.

Many of those who have been punished in the extensive diocese of Lincoln have complained to Boniface; as it is a great burden to send agents to Canterbury in each case, begs him to find some remedy.

Written probably in 1243.

CVI. To Martin, the Pope's Chamberlain and Nuncio. p. 315.

Advises him to excommunicate those who ill-treated his envoys in the churchyard of Pinchbeck, but to hear what the prior of Spalding and Bernard have to say, as no one ought to be condemned without being heard. Since that vicarage has a cure of many souls, and requires a constantly resident vicar, advises him to allow the prior to nominate a fit person, and to reserve for the Pope's nominee some

other church in the same patronage. Begs to be excused for citing the prior and Bernard, and asks Martin to do so himself or by another.

Written probably in 1244, the year of Martin's arrival in England. *See* Matt. Par. p. 613.

He has heard that many priests do not repeat the canonical hours, or repeat them carelessly, disregard the convenience of their parishioners as regards times, keep concubines, celebrate miracle plays, May-day, Feast of Autumn, and laymen Scotales. There are also rectors, vicars, &c. who exclude friars of both orders from preaching and hearing confessions, and admit hired preachers into their pulpits, who only care for extracting money by their preaching. These abuses must be remedied, and also, as far as possible, the living of Christians together with Jews.

Probably written in 1244.

Remonstrates with them for sending to their cell of Minting in his diocese certain immoral monks, of whom four are mentioned by name. He had occasion to speak of this before, and does so again in hopes of amendment.

On the receipt of letters from the Pope, ordering the house of the Franciscans at Scarborough to be pulled down, if certain statements about them should prove correct, he had caused the matter to be heard before his official. On two days they had urged a special privilege, not to be summoned by letter from the Pope unless mention was made of their privilege in the letters, but on the third day they renounced it, and expressed their willingness to give way. He has, however, allowed them to remain until he receives a final official answer from the abbat as to their staying or remaining.

Probably written in 1244.

CXII. To the Archdeacons of the Diocese of Lincoln. p. 329.

As, like the householder in the parable, he is about to take a journey, he writes to stir up his archdeacons to pastoral zeal during his absence.

Written shortly before leaving England, and therefore in Nov. 1244. See Matt. Par. p. 649.

CXIII. To William de Raleigh, Bishop of Winchester, and Walter de Cantilupe, Bishop of Worcester. p. 333.

He has safely reached Lyons, and has been well received by the Pope and cardinals. He intends staying there to pursue the cause of his Church in the Pope's presence.

Written in 1245.

LXXXIX. To Boniface, Archbishop of Canterbury. p. 276.

The archbishop's clerks have brought him a request to affix his seal to letters to the bishops on behalf of the subsidy granted by the Pope from the province to the archbishoprick of Canterbury, and also to send hortatory letters for this purpose. He has refused both, as he cannot commit the other bishops; and by so doing he would have offended all the clergy of the province, who would have said that thus he would by his pre-concession have grievously pressed on them, especially after the recent papal and royal exactions.

Written while Richard de la Wyche was bishop elect of Chichester, and after Boniface's consecration; therefore at Lyons between Jan. 15 and March 5, 1245.

CXIV. To the Provincial Minister [W. de Notingham] of the Franciscans in England - - p. 334,

Details of his journey home from Lyons. Fr. John [of Stamford] was taken ill at Beaune with a quartan ague; they brought him to Nogent, and thence to Paris by the Seine. As Paris is unhealthy, they decided that he should go to Rouen with Adam de Marisco and stay there; but at Mantes he became too ill to go further, and there they still remain. Begs that Fr. Peter of Tewkesbury may be sent with one or more friars to take charge of John, and then Peter can return with Adam, who must not be left,

to do this according to the form left by Martin, the papal nuncio. They cannot do otherwise in obedience to their spiritual parents, the Pope and the Church, now in exile and suffering from persecutions. [Innocent IV. was still at Lyons; the persecutions seem to refer to the emperor and his party.]

Written in 1246. See Matt. Par. p. 708, where the king's letter may be seen to which this is an answer.

CXX. To John de Offinton - - - p. 342.

Grosseteste and Adam de Marisco are very anxious he should come to England for the ministry of souls. They are more anxious for his health and advantage than for that of any other clerk living.

The date is uncertain, probably in 1246.

CXXI. To the Dean [Henry de Lexinton] and Chapter of Lincoln - - - - - p. 343.

He has heard by the precentor that they are surprised at his change in the order of visitation. The change arises from certain other alterations, which were made at their request.

Written in 1246.

CXXII. To the same - - - - p. 345.

He saw yesterday, both from words and looks, that some of them were annoyed at him. Appeals to their justice to give up self-will and co-operate with him.

Written in 1246.

CXXIII. To the Regents in Theology at Oxford p. 346.

Skilful builders are always careful that foundation stones should be really capable of supporting the building. The best time is the morning. Their lectures, therefore, especially in the morning, should be from the Old and New Testaments, in accordance with their ancient custom, and the example of Paris. Other lectures are more suitable at other times.

Wood, who prints this letter, places it under the year 1240. Hist. Univ. Oxon. i. p. 91. But there seems no reason for supposing this to be true. From its position in the MSS. it would seem to belong to the year 1246.

Writes by the king's request on the sacerdotal and kingly powers. They mutually assist each other, and he would not in any way attempt to bring about opposition between the two. He cannot admit R. Passelew, who has been presented to St. Peter's, Northampton, because he is a forest judge. Answers the king's question as to what the anointing adds to the royal dignity.

This must have been written after 1245, as appears from Epist. cxxvi., probably in 1246. The living of S. Peter's, Northampton, was, however, vacant in 1243.

Hears that the king is vexed with him, as having written against his mandates. He cannot recollect having done so; but if he has, asks for pardon and promises amendment.

Of the same date as the last.

Reminds him of the nature of his office and also of that of his official [Hugh de Mortimer?]. He has refused to admit R. Passelew to St. Peter's, Northampton, because he is a forest judge; but on Passelew's complaint, the official commanded Grosseteste to institute him in eight days, or he would do it himself. Gives his answer to this. He is afraid, however, that the official will still persist. Calls on the archbishop to restrain him.

This was written after Boniface was consecrated, and therefore not before 1245.

A scholar of noble birth and good conversation at Oxford has been abused and murdered by the townspeople. The University is so excited that all lectures have been suspended, and unless due punishment is inflicted, all the students will leave Oxford. The bishop's official is desired to excommunicate the guilty persons in all the churches in Oxford, and to punish all concerned according to the composition between the University and the townsmen, made by the former legate, Nicholas, bishop of Frascati.

Dated May 8, 1248.

CXXX. To the Clergy of the Diocese of Lincoln p. 439.

On the wickedness of the people, arising from the neglect and bad example of the clergy. In despair of finding a remedy, he had wished to resign his bishoprick, but has been prevented by superior authority. He calls on them by the terrors of the future judgment to watch over the clergy and their flocks. The archdeacons are to publish the letter through the diocese.

Written in 1250, soon after his return from Rome, as would appear from Matt. Par. p. 802.

CXXXI. To the Lords and Commons of the Realm and the Citizens of London - - - p. 442.

Against the papal provisions in favour of foreigners in England.

The English Church, formerly so free, is now grievously injured by its ample patrimony being given to foreigners, who do not understand the language of their flocks, utterly neglect them, and carry off large sums of money from the realm. All are called upon to resist this injury, and restore the old state of the kingdom.

Probably written in 1252, when Grosseteste made a computation of the revenues of the foreigners in England. *See* Matt. Par. p. 859.

CXXVIII. To Pope Innocent IV. - - p. 432.

The Pope has conferred a canonry at Lincoln on his nephew, Frederick de Lavania, in spite of every law or exemption to the contrary. Though he is always ready to obey the Pope, yet he cannot look upon these as apostolick commands, but rather approaching the sin of Lucifer and Antichrist. He, therefore, refuses obedience, as all true power is meant for edification and not destruction.

Written in 1253. *See* Matt. Par. p. 870, where the letter is given.

The letter of Pope Innocent, to which this is an answer, is given in the note, p. 432.

ROBERTI GROSSETESTE

EPISCOPI QUONDAM LINCOLNIENSIS

EPISTOLÆ.

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ROBERTI GROSSETESTE EPISCOPI LINCOLNIENSIS EPISTOLÆ.

I.

Dilecto sibi in Christo magistro Adæ Rufo, Robertus Grosseteste[1] *dictus magister salutem.*

An Essay on the question: "Deus est "prima "forma et "forma "omnium."

ROGAVIT me dulciflua dilectio tua, quatenus scriberem tibi, quid de hoc verbo sentiam: *Deus est prima forma et forma omnium.* Quod feci prout potui, non prout volui, malens amico petenti præbere parvum quod habui, quam magnum quod existimabar habere, denegasse videri. De re tamen tanta nihil verum potest esse parvum, licet pro parvitate dicentis possit esse non granditer dictum, et pro parvitate nostri dicentis[2] non possit esse granditer elocutum.

De re itaque grandi, petitione tua compellente, pauca non granditer locuturus, in primis tuæ dilectioni respondeo me sentire hoc verum esse, scilicet quod Deus est forma et forma omnium; et cum sit forma, necessario est forma prima, quia ante ipsum nihil; ipse enim est primus et novissimus. Si autem quæras quid me moveat ad sentiendum Deum esse formam et formam omnium, respondeo, magna magni Augustini

[1] *Grosseteste*] Grosthed, Sid.
[2] *possit . . dicentis*] om. C.C.C.; Ox. inserts in marg.

auctoritas. Ipse enim in libro secundo[1] de Libero Arbitrio ait: "Si quicquid mutabile aspexeris, vel "sensu corporis vel animi[2] consideratione capere non "potes, nisi aliqua numerorum forma teneatur, qua "detracta in nihilum recidat[3]; noli dubitare ut ista "mutabilia non intercipiantur, sed dimensis moti- "bus et distincta varietate formarum, quasi quosdam "versus temporum peragant, esse aliquam formam "æternam et incommutabilem; quæ neque contineatur "et quasi diffundatur locis, neque protendatur atque "varietur temporibus, per quam cuncta ista formari "valeant et pro suo genere implere atque agere loco- "rum ac temporum numeros. Omnis enim res mutabilis, "etiam formabilis sit necesse est. Sicut autem muta- "bile dicimus quod mutari potest, ita formabile quod "formari potest appellaverim. Nulla autem res formare "se ipsam potest; quia nulla res potest dare sibi[4] quod "non habet; et utique ut habeat formam, formatur "aliquid. Quapropter quælibet res si quam habet "formam, non ei opus est accipere quod habet; si qua "vero formam non habet, non potest a se accipere "quod non habet. Nulla ergo res, ut diximus, "formare se potest. Conficitur itaque ut corpus et "animus, cum sint mutabilia[5], forma quadam incom- "mutabili et semper manente formentur; cui formæ "dictum est, *mutabis ea et mutabuntur, tu autem* "*idem es, et anni tui non deficient.* Annos sine "defectu pro æternitate posuit prophetica locutio. "De hac item forma dictum est, quod *in se manens* "*innovet omnia;* hinc etiam comprehenditur, omnia "providentia gubernari. Si enim omnia quæ sunt, "forma penitus subtracta, nulla erunt, forma ipsa in- "commutabilis, per quam mutabilia omnia subsistunt, "ut formarum suarum numeris impleantur et agantur,

S. Aug. de Lib. Arb. ii. § 44, 45, Opp. i. p. 603.

Psal. ci. 27, 28.

Sap. vii. 27.

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[1] *secundo*] MSS. primo.
[2] *animi*] so Sid., Ox. in marg.; cum, C.C.C.
[3] *recidat*] redeat, C.C.C.
[4] *sibi*] om. C.C.C.
[5] *cum sint mutabilia*] not in Aug.

"ipsa est eorum providentia, non enim ista essent, si "illa non esset." Item idem Augustinus in libro tertio decimo de Confessione, dirigens sermonem ad Patrem, ait: "Quid te promeruit inchoatio creaturæ spiritalis, "ut saltem tenebrosa fluitaret[1] similis abysso, tui dis- "similis, nisi per verbum tuum converteretur ad id a "quo facta est, atque ab eo illuminata lux fieret, quamvis "non æqualiter, tamen conformis formæ æquali tibi?" Item idem in undecimo[2] de Confessione ad Patrem loquens, ait: "Stabo atque solidabor in te in forma mea, "veritate tua." Ecce hæ auctoritates sancti Augustini aperte clamant, Deum formam esse et formam creaturarum. Illa quoque auctoritas quam proposui ex libro secundo[3] de Libero Arbitrio non solum hæc asserit, sed etiam infallibiliter arguit. Ex ratione quoque formæ argui potest, Deum formam esse, quia forma est qua res potest esse[4] id quod est; velut humanitas qua homo est homo, forma hominis est. Deus autem seipso est id quod est; seipso enim Deus est, quia Deitate Deus est et Deitas Deus est. Quapropter cum id, quo res est id quod est, forma sit, Deus forma est. Item quis non concedet Deum formosum et speciosum esse? Ergo ipse forma et species est, cum nihil sit in ipso quod ipse non sit. Sicut cum sit justus, ipse est justitia ipsa qua justus est; sic cum sit formosus et speciosus, ipse est forma et species, qua formosus et qua speciosus est, immo ipsa formositas et speciositas. Item quid est forma nisi completio rei sive perfectio? Deus autem est completio incompletibilis, perfectio imperfectibilis, et ideo forma non[5] formabilis, quia penitus sine defectu et incommutabilis. Deus igitur est perfectio perfectissima, completio completissima,

S. Aug. Confess. lib. xiii. cap. 2, Opp. i. p. 225.

Ib. lib. xi. cap. 30, Opp. i. p. 208.

[1] *fluitaret*] fluctuaret, Sid.
[2] *undecimo*] secundo, MSS., *i.e.* ii. for 11.
[3] *secundo*] primo, C.C.C.
[4] *potest esse*] est, C.C.C., Ox.
[5] *non*] om. C.C.C.

forma formosissima, et species speciosissima. Dicitur homo formosus, et anima formosa, et domus formosa, et mundus formosus, formosum hoc, formosum illud; tolle hoc et illud, et vide ipsum formosum, si potes. Ita Deum videbis non alia forma formosum, sed ipsam formositatem omnis formosi. "Cum audis," Deus est forma, vel formositas, sicut et "veritas, noli quærere" quid sit formositas, sicut nec "quid sit veritas; statim "enim se opponent[1] caligines imaginum corporalium," ut ait Augustinus in libro octavo de Trinitate, "et "nubila phantasmatum, et perturbabunt[2] serenitatem "quæ primo ictu diluxit tibi, cum diceretur veritas" vel formositas. "Ecce in primo ictu, quo[3] velut "coruscatione perstringeris[4], cum dicitur veritas" vel formositas, "mane si potes; si non potes, relaberis in "ista solita atque terrena." Ecce hoc modo Deus ad se forma est, et dicitur. Ut autem aliquo modo clarescat quomodo ipse sit forma creaturarum (non enim sic est earum forma, velut pars earum substantialis completiva, ex qua et materia fit aliquid unum), significationes hujus nominis *forma* aliquatenus sunt explicandæ. Dicitur itaque forma exemplar, ad quod respicit artifex, ut ad ejus imitationem et similitudinem formet suum artificium. Sic pes ligneus, ad quem respicit sutor, ut secundum ipsum formet soleam, dicitur forma soleæ. Sic etiam vita bonorum ad quam respicimus, ut ad ejus similitudinem mores vitæ nostræ formemus[5], dicitur nobis forma vivendi. Dicitur quoque forma, cui materia formanda applicatur, et per applicationem ad illud, recipit formam illius[6], cujus applicatur, imitatoriam. Sic dicimus de sigillo argenteo, quod ipsum est forma sigilli cerei; et de argilla in qua funditur

S. Aug. de Trinit. lib. viii. § 3, Opp. viii. p. 866.

[1] *opponent*] opponunt, Sid.

[2] *perturbabunt*] perturbant, Sid.

[3] *quo*] om. Sid., C.C.C.

[4] *perstringeris*] præstringeris, Sid.

[5] *formemus*] formaremus, C.C.C.

[6] *illius*] ipsius, C.C.C., Ox.

statua, quod ipsa est forma statuæ. Cum autem artifex habet in anima sua artificii fiendi similitudinem, respicitque ad illud[1] solum quod in mente gerit, ut ad ejus similitudinem suum formet artificium, ipsa in mente artificis artificii similitudo forma artificii dicitur. Nec multum distat in ratione hæc significatio formæ, a primitus dicta significatione formæ. Imaginare itaque in mente artificis, artificii fiendi formam, utpote in mente architecti, formam et similitudinem domus fabricandæ, ad quam formam et exemplar solummodo respicit, ut ad ejus imitationem domum faciat. Et imaginare cum hoc per impossibile ipsius architecti volentis domum fabricare voluntatem ita potentem, quod se sola applicet, materiam formandam in domum formæ in mente architecti, qua applicatione figuraretur in domum. Et imaginare cum his quod materia domus esset fluida, nec posset permanere in forma accepta[2] in se, si esset separata[3] a forma in mente architecti, sicut aqua figurata sigillo argenteo, separato sigillo, statim amitteret figuram receptam. Imaginare itaque voluntatem artificis applicantem materiam domus ad formam in mente architecti, non solum ut per hanc applicationem formetur in domum, sed etiam applicantem illam ei, quamdiu domus manet in esse, domus ut formata in esse servetur. Eo itaque modo quo forma hujus, in mente hujusmodi architecti, esset forma domus, est ars, sive sapientia, sive verbum omnipotentis Dei, forma omnium creaturarum. Ipsa enim simul et exemplar est, et efficiens est, et formans est, et in forma data conservans est, dum ad ipsam applicantur et revocantur creaturæ. Quod autem ex hoc intellectu dicatur Deus forma creaturarum, satis patet ex dictis Augustini, utpote partim ex illa auctoritate, quam

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1 *illud*] id, Ox.
2 *accepta*] recepta, C.C.C., Ox.
3 *esset separata*] separetur, C.C.C., Ox.

superius posui, ubi dicit omnia divina providentia gubernari, ipsamque eorum providentiam esse formam incommutabilem per quam mutabilia omnia subsistunt, ut formarum suarum numeris[1] impleantur et agantur; partim vero elucet hæc intentio formæ, per reliquam auctoritatem quam de libro tertio decimo Confessionum posui[2], ubi dicitur angelus converti per verbum Patris, ad id a quo factus est, ut lux fieret et conformis formæ æquali Patri, id est, sapientiæ, in qua Pater fecit omnia. Ubi etiam idem Augustinus hæc verba præposuit: "Quid te promeruerunt spiritalis corporalisque " natura, quas fecisti in sapientia[3], ut inde penderent " etiam inchoata et informia[4] quæque in genere suo " vel spiritali vel corporali, euntia in immoderatio- " nem[5] et longinquam dissimilitudinem tuam: spiritale " informe, præstantius quam si corpus formatum esset; " corporale autem informe præstantius quam si omnino " nihil esset, atque ita penderent in tuo verbo informia, " nisi per idem verbum revocarentur ad unitatem tuam " et formarentur, et essent ab uno te summo bono " universa bona valde." Item Augustinus super Joannem, homilia prima: "Faber[6] facit arcam; primo in arte " habet arcam; si enim in arte arcam non haberet, " unde illam fabricando proferret? Sed arca sic est in " arte, ut non ipsa arca sit quæ videtur oculis. In arte " invisibiliter[7] est, in opere visibiliter est[8]. Ecce facta " est in opere; numquid destitit esse in arte? Et illa " in opere facta est, et illa manet quæ in arte est. " Nam potest illa arca putrescere, et iterum ex illa quæ " in arte est[9] alia fabricari. Attendite ergo arcam in

S. Aug. Confess. xiii. cap. 2, Opp. i. p. 225.

S. Aug. Tract. in S. Joh. i. §17, Opp. iii. P. 2, p. 295.

[1] *numeris*] numerus, C.C.C.

[2] *Confessionum*] de Confessione, Ox., C.C.C.; om. posui, C.C.C.

[3] *in sapientia*] om. C.C.C., Sid.

[4] *et informia*] om. C.C.C., Sid.

[5] *immoderationem*] immorationem, Ox., C.C.C.

[6] *Faber*] Sid. inserts *cum*.

[7] *invisibiliter*] visibiliter, C.C.C.

[8] *est*] erit, C.C.C., Ox.

[9] *est*] om. C.C.C.

" arte, et arcam in opere; arca in opere non est vita,
" arca in arte vita est. Quia vivit anima artificis ubi
" sunt ista omnia antequam proferantur. Sic ergo, quia
" sapientia Dei per quam facta sunt omnia, secundum
" artem continet omnia, antequam fabricet; omnia hæc
" quæ sunt per istam artem, non continuo vita sunt;
" sed quicquid factum est, vita est in illo. Terram
" vides; est in arte terra. Cælum vides; est in arte
" cælum. Solem et lunam vides; sunt et ista in arte,
" sed foris corpora sunt, in arte vita sunt." Ex his auctoritatibus diligenter inspectis et ad invicem collatis, scio prudentiam tuam facile percepturam, æternam Dei sapientiam sic esse formam omnium, velut si imagineris[1] figuram sigilli argentei esse vitam et intelligentiam intelligentem se volentemque fingere[2] ad sui imitationem et similitudinem, majus[3] minusve expressam ceram fluidam, non potentem per se permanere[4] in aliqua figuratione recepta, ipsaque hac sola voluntate informem et fluidam ceram ad se revocaret, sibique applicaret, et ad se revocando sibique applicando, sua similitudine aliquanta imprimeret, et in[5] impressa similitudine servaret; sic inquam percipies ex jam dictis, æternam Patris sapientiam esse formam omnium, sicut talis figura sigilli argentei, si esset, esset[6] forma ceræ sua similitudine prædicto modo impressæ. Non tamen hanc similitudinem de modo quo Deus est forma omnium, sicut nec supradicta attuli, sicut usquequaque congruam divinæ excellentiæ; quia sicut creatura ejus similitudinem etiam non potest perfecte exprimere, sic nec mens creata poterit aliquid perfecte et ei ex omni parte simile fingere.

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[1] *imagineris*] ymaginareris, C.C.C., Ox.
[2] *fingere*] figurare, C.C.C., Ox.
[3] *majus*] magis, Sid., Ox.
[4] *permanere*] manere, C.C.C., Ox.
[5] *in*] om. Sid., Ox.
[6] *esset*] om. C.C.C.

On the nature of Angels.

Voluisti insuper a me scire, quid sentiam de Intelligentiis, hoc est, de Angelis. Utrum sint distincte loco, an in quolibet loco simul? Ad quod in primis respondeo, quod solus Deus, totus ubique simul est. "Ipse "enim," ut ait Augustinus in libro[1] quinto de Trinitate, "sine situ præsens est, sine loco ubique totus, "sicut sine qualitate bonus, sine quantitate magnus, "sine indigentia creator, sine habitu omnia continens, "sine tempore sempiternus, sine ulla sui mutatione "mutabilia faciens nihilique patiens." "In eo tamen "ipso, quod dicitur Deus ubique diffusus, carnali resis- "tendum est cogitationi," ut ait Augustinus in libro de Præsentia Dei, "et mens a corporis sensibus avo- "canda, ne quasi spatiosa magnitudine opinemur Deum "per cuncta diffundi, sicut humus aut humor aut aër "aut lux ista diffunditur. Omnis enim hujuscemodi "magnitudo, minor est in parte quam in toto." Deus vero ita ubique diffusus est, ut non per spatia locorum quasi mole diffundatur, ita ut in dimidio mundi corpore sit dimidius, et in alio dimidio dimidius, ac ita per totum totus; sed in solo cælo totus et in sola terra totus, et in cælo et in terra totus, nullo contentus loco, sed in seipso ubique totus; nec major in toto quam in parte, nec minor in parte quam in toto, nec in majori parte major, aut in minori minor. Licet autem ista intelligere sit supra nos, ut tamen aliquo modo in ænigmate ea conspiciamus, exemplo tali juvat nos Augustinus in eodem, sic dicens: "Et[2] ipsa immortalitas corporis, quæ cum Christi "carne præcessit, nobisque in fine promittitur futura, "cum magna sit res, non profecto mole magna, sed "licet corporaliter habeatur, incorporea quædam excel- "lentia est. Nam cum ipsum immortale corpus minus "sit in parte quam in toto, immortalitas ejus tam "plena est in parte, quam in toto; et cum sint aliis

S. Aug. de Trinit. lib. v. § 2, Opp. viii. p. 833.

S. Aug. Epist. 187. § 11, Opp. ii. p. 680.

Ibid.

[1] *libro*] om. Sid. | [2] *Et*] om. C.C.C., Ox.

" alia[1] majora, non tamen aliis alia magis immor-
" talia[2] sunt membra; sicuti nunc quando omni ex
" parte sani sumus, secundum modum præsentis in
" corpore sanitatis, non quia major est manus tota
" quam digitus, ideo totius manus sanitatem majorem
" dicimus esse quam digiti; sed in illis inæqualibus
" æqualis est ipsa, quando ita breviora grandioribus
" comparantur, ut quod tam magnum esse non potest,
" quam est aliud, possit tamen esse tam sanum. Esset
" autem major sanitas in majoribus membris, si
" essent majora saniora. Cum vero non ita est,
" sed majora atque minora tam sana sunt; dispar
" est profecto in membrorum molibus quantitas, sed
" par est in disparibus sanitas. Cum ergo sit
" corpus aliqua substantia, quantitas ejus est in
" magnitudine molis ejus; sanitas vero ejus non
" quantitas, sed qualitas ejus est. Non ergo potuit
" obtinere quantitas corporis quod potuit qualitas.
" Nam ista, distantibus partibus quæ simul esse
" non possunt, quoniam sua quæque spatia locorum
" tenent, minores minora et majores majora, non
" potuit esse in singulis quibusque partibus tota vel
" tanta; sed amplior est quantitas in amplioribus
" partibus[3], brevior in brevioribus, et in nulla parte
" tanta, quanta per totum. Qualitas vero corporis,
" quæ sanitas dicitur, cum sanum est corpus totum,
" tanta est in majoribus quanta est in minoribus
" partibus. Non enim quæ minus magnæ sunt, ideo
" minus sanæ sunt; aut quæ ampliores ideo saniores.
" Absit ergo, ut quod potest in corpore qualitas creati
" corporis, non possit in se ipsa substantia Creatoris.
" Est ergo Deus per cuncta diffusus. Ipse quippe per
" prophetam ait: *Cœlum et terram ego impleo.* Jer. xxiii. 24.

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[1] *alia*] om. C.C.C.
[2] *magis immortalia*] immortaliora, Ox.; om. magis, C.C.C.
[3] *partibus*] om. Sid.

"Sed sic est per cuncta diffusus, ut non sit qualitas "mundi, sed substantia creatrix, sine labore regens, "et sine onere continens mundum." Ex his verbis Augustini, ut supra dixi, aliquatenus juvatur noster intellectus ad comprehendendum, licet velut de longe in nubilo, quomodo Deus ubique est, quia plene comprehendere quomodo ipse ubique est, supra viventis[1] hominis capacitatem est. Sicut autem Deus simul totus est ubique in universo, ita anima simul tota est ubique in corpore animato; unde Augustinus exponens qualiter homo sit factus ad imaginem Dei, ita ait: "Sicuti Deus unus semper ubique totus est, omnia vivi- "ficans, movens, et gubernans, sic anima in suo corpore "ubique tota viget, vivificans, gubernans, et movens "illud; neque enim in majoribus corporis membris major "et in minoribus minor, sed in minimis tota est, et in "maximis tota; et hæc est imago unitatis omnipotentis "Dei, quam anima in se habet." Item idem ad beatum[2] Jeronimum de origine animæ: "Quemadmodum anima "per omnes particulas corporis tota adest simul, nec "minor[3] in minoribus, nec major in majoribus est, sed "tamen in aliis intentius, in aliis remissius operatur, "cum in singulis particulis corporis essentialiter tota "sit;" ita et Deus, cum sit in omnibus essentialiter, et totus in illis, tamen plenius esse dicitur in eis[4] quos inhabitat. Ecce ex his verbis aperte habes, quod anima tota essentialiter ubique est in corpore quod vivificat; sicut Deus ubique totus essentialiter in universo quod regit. Neque anima in corde solo, aut solo cerebro est per essentiam; et alibi in corpore non per essentiam, sed per virtutem suam, ut forte sentiunt aliqui, non considerantes quod virtus animæ aut est accidens ejus, aut substantia tota, aut pars substantiæ. Quod si vir-

De dignitate conditionis humanæ. S. Ambrose, Opp. Migne. ii. p. 2, col. 1015.

S. Aug. Epist. 166, § 4, Opp. ii. p. 583.

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[1] *viventis*] mentis, Ox.
[2] *beatum*] om. C.C.C.
[3] *minor*] om. C.C.C.
[4] *in eis*] om. C.C.C., Ox.

tus animæ sit tota ejus substantia, vel pars ejus, ubicunque est ejus virtus, est ipsa tota, quia[1] etiam ubi est ejus[2] pars, est ipsa tota, cum non sit magnitudine molis distenta; si vero dicatur virtus ejus esse ejus accidens, cum accidens non possit esse a subjecto divisum, ubicunque[3] est ejus[4] virtus et ejus substantia. Sed forte qui dicunt eam virtute sola per totum corpus diffusam, imaginantur eam sicut punctum lucis situm in corde vel in cerebro, undique a se per totum corpus radios diffundentis. Hæc imaginatio vana est; non enim ipsa situalis est, cum sit pure incorporea. Si enim esset situalis, posset a puncto extra situm ipsius sumpto, duci linea ad ipsam, et mensurari et determinari certis mensuris spatium inter ipsam et punctum signatum; quod magis impossibile est, quam lineam posse duci a puncto signato in corpore ad ejus sanitatem vel elementorum commensurationem et proportionem. Est itaque anima in corpore sine situ præsens, sine loco ubique tota, id est, sine superficiei ambientis ipsam circumscriptione. Solet tamen anima dici, esse, vel situm habere, in illa parte corporis ubi inchoat motiones suas[5] corporeas, quibus utitur in regimine corporis, utpote in corde, quia illinc inchoat motiones corporeas, quibus utitur in vivificando corpore[6]; vel in cerebro, quia illinc inchoat motiones corporeas quibus utitur in sentiendo, vel corpus suum localiter movendo. Unde in talibus sermonibus attribuitur animæ situs non qui est ipsius animæ, sed qui est radicis motionis corporeæ, quam ipsa[7], non situalis nec superficie loci circumscriptibilis, facit. Sicut autem anima sine situ præsens est et sine loco, id est, superficiei ambientis circumscriptione, ubique tota in

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[1] *quia*] erased in Sid.
[2] *ejus*] om. Sid.
[3] *ubicunque*] uterque.
[4] *ejus*] om. Sid.
[5] *suas*] om. C.C.C., Ox.
[6] *corpore*] corpus, C.C.C., Ox.
[7] *ipsa*] om. C.C.C.

corpore sibi unito; sic, ut opinor, angelus sine situ præsens est, et sine loco ubique totus in corpore ad ministerium aliquod assumpto, utpote in corpore visibili assumpto in adjutorium[1] ministerii sui, sibique miris modis coaptato, in quo apparuit angelus Moysi vel Abrahæ vel Lot, vel alicui alii sanctorum patrum, fuit angelus sine situ præsens, et sine loco ubique totus, velut si intelligeres animam non unitam corpori in quo est, nec existentem ejus perfectionem, moventem tamen illud et omnes ejus particulas, sicut nunc movet, et patientem ad ejus motiones, sicut nunc patitur, a comparatione quam anima[2] retineret ad idem[3] corpus et ad singulas ejus particulas: ex eo quod esset motor et rector ejus et agens in ipsum, diceretur in ipso esse sine situ præsens et sine loco ubique tota. Nec video, quid aliud esset ipsam esse in hoc corpore, nisi se habere ad ipsum in comparatione moventis et agentis in ipsum vel patientis ad motiones ipsius. Sic, ut[4] reor, angelos esse in corporibus assumptis, est, ipsos movere et regere ea in usus alicujus ministerii, in quibus tamen corporibus, nec situm habent alicubi, nisi forte sicut anima in corde situm habere dicitur, quia illinc inchoat motiones corporales vitales; ita et eis attribuatur[5] situs ubi inchoant motiones cum[6] assumptis corporibus. Ubi tamen in seipsis situm non habent, nec in eisdem corporibus locali superficie circumscribuntur, nec per spatia eorundem corporum diffunduntur, sicut lux per aërem diffunditur, nec ad eadem corpora propinquitatem aut remotionem habent lineari dimensione determinabilem. Si autem quæras quomodo angeli corpora assumpta moveant, et in usus ministerii sui

[1] *adjutorium*] usum, C.C.C., Ox.
[2] *anima*] om. Ox.; adhuc, C.C.C.
[3] *idem*] id, C.C.C.
[4] *ut*] et, Sid.
[5] *attribuatur*] tribuatur, Sid.
[6] *cum*] in, Ox.

apte transforment, respondeo, quod miris, et homini vel saltem mihi homini ineffabilibus modis. Cogita tamen, si potes, quomodo anima moveat corpus tuum; etsi enim moveat membra grossa nervis et musculis, et illos moveat spiritibus corporeis, ipsos tamen spiritus corporeos nullo alio corpore medio movet, sed sola affectione. Appetitu enim naturali, vel voluntario, omnino incorporeo, movet sine medio illud corporeum quod pro sui subtilitate magis accedit ad incorporeum. Appetitus enim animæ sunt motiones ejus, pure incorporei, quibus comproportionabiliter [1] commovet sine medio hoc quod in corporibus magis [2] appropinquat incorporalitati, et hic est spiritus corporeus, sive lux quo medio moto, movet consequenter corpora grossiora. Quid igitur mirum si angelus similiter in assumpto corpore, sola affectione moveat primo quod in eo est subtilissimum corpus [3], et per illud consequenter et [4] grossius, et a pura incorporalitate remotius? Sed videtur animam non sic posse movere corpus corporaliter, comproportionaliter suo motui incorporali, nisi esset ligata corpori, ut propter nexum colligationis motionem hujus sequeretur motio comproportionalis sibi colligati: propter ipsam autem colligationem non valde admirandum, si motionem animæ licet incorpoream et illocalem, sequatur in colligato et sibi unito corpore motus corporalis et localis: cum in axe ostii hoc eveniat, quod axis, ut ita dicam, immobiliter vel illocaliter motus, totum ostium localiter commoveat. Angeli autem ad corpus assumptum quæ colligatio, ut ejus affectionalem motionem sequatur in assumpto corpore comproportionalis motio corporalis? Non enim est angeli cum assumpto corpore unitio. Fateor, ut

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[1] *comproportionabiliter*] proportionaliter, Sid.

[2] *magis*] om. C.C.C.

[3] *corpus*] corporis, C.C.C., Ox.

[4] *et*] quod, Ox., in marg.

supra[1] dixi, me latere modum istum quo angelus movet et transformat corpus assumptum, maxime cum ei non sit unitus; hoc tamen videtur ratum, quod affectione sola illud movet, sicut anima movet corpus cui unitur. Hoc est[2] itaque angelum esse in assumpto corpore, comparationem moventis et regentis illud in usum[3] alicujus ministerii ad ipsum habere. Dicitur quoque angelus aliquando in loco aliquo esse, nullo tamen assumpto corpore. Quod non aliud esse reor, nisi ipsum habere ad ea quæ sunt ibi[4], ubi ipse esse dicitur, comparationem[5] aliquam alicujus præfecturæ, ut scilicet ibidem existentibus præsit, vel consulendo, vel juvando, vel defendendo, vel regendo, vel aliquo tali modo in agentis et præsidentis comparatione ad ipsa se habendo, ipso quoque loco dicitur esse circumscriptus, ad cujus loci contenta talem habet comparationem. Cum autem[6] legimus spiritum incorporeum circumscriptum, non est hæc circumscriptio localis superficiei ambitio; sed ad contenta illo tantum loco, aliquo modo præsidentis spiritus comparatio. Est itaque in tali loco angelus, sine situ præsens, et sine loco ubique in illo loco totus, sicut anima in corpore, sine situ præsens et sine loco ubique tota, et Deus in universo, sine situ præsens, et sine loco ubique totus. Diciturque angelus de loco ad locum transire, cum relicto ad unius loci contenta præsidentis ordine, ad alterius loci contenta suscipit præsidentis[7] præfecturam. Non est igitur angelus ubique totus simul, quia hoc est solius Dei proprium, qui simul omnia vivificat, movet, et gubernat, ut sit ubique in seipso totus, nullo loco circumscriptus, sed ut dictum est, quandoque alicubi dicitur esse, non

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[1] *supra*] ita, C.C.C.
[2] *est*] om. C.C.C.
[3] *usum*] usu, Ox.
[4] *ibi*] tibi, C.C.C.
[5] *comparationem*] operationem, C.C.C.
[6] *autem*] enim, Sid., Ox.
[7] *præsidentis*] om. C.C.C.

quod ambiente locali superficie claudatur, vel punctuali situ in termino lineæ figatur; sed quod in illo loco contentis præficiatur, speciali aliqua agentis seu præsidentis operatione[1] ad illa recepta. Si etiam angelus alicui contento vel contentis ministerium exhiberet servitutis, nihilominus ibidem esse diceretur. Dicuntur quoque mali angeli esse in isto aëre caliginoso, et in inferno, et similiter animæ malorum in inferno loco, scilicet quadam corporali pœna[2], quia spiritus incorporeus in illo loco esse jure dicitur, ad cujus loci contentorum corporum corporales motiones ipse spiritus patitur. Sicut enim anima dum est in corpore quod vegetat ad monitiones corporis per qualitates sensibiles excellentes patitur et torquetur; sic anima separata quæ male meruit et dæmones prave effecti ad alicubi contenta corpora ad illorum corporum motiones per qualitates sensibiles patiuntur et torquentur. Sicut enim spiritus non unitus corpori, aliquo modo affectus ad illud potest movere corpus, quomodo movet illud anima corpori unita, sic nimirum spiritus non unitus corpori, aliquo modo affectus ad illud, potest pati moto corpore ad quod afficiatur, sicut anima corpori unita patitur, moto corpore cui unitur. Sed numquid sicut ad motiones corporis ad quod prave afficitur, patitur et torquetur spiritus malus, sic ad motiones corporis ad quod bene afficitur, potest pati delectabiliter spiritus bonus, ut hoc sit etiam spiritui bono esse in aliquo corporali loco, quod ad ejusdem loci contentorum corporum motiones delectabiliter pati[tur], (est enim passio delectabilis, sicut et passio pœnalis; in sentiendo enim media delectabiliter patitur anima, sicut pœnaliter patitur in sentiendo excellentia ex-

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[1] *operatione*] comparatione, Ox.

[2] *quadam . . pœna*] quodam corporali penali, C.C.C., Ox.

trema,) de hoc mallem sapientem humiliter audire, quam temerarie aliquid diffinire. Ex prædictis tamen, si vere dicta sint, colligi potest, hoc esse spiritum creatum incorporeum alicubi esse, quod ad ibidem contenta comparationem præsidentis aut ministrantis, aut aliquo modo agentis, vel ad ibidem contentorum motiones aliquo modo patientis habere. Et non est hoc ipsum esse alicubi, quod superficie locali circumscribi, aut in situ punctuali figi: ut possit inter ipsum et alia situm habentia, certis linearum mensuris, distantia seu propinquitas metiri. Dixi spiritus malos et malorum animas et omnes animas dum sunt in corpore, ad motiones quorundam corporum pœnaliter pati, et non dixi eas a corporibus pati: quia licet substantiæ incorporeæ possint agere in corpora, utpote nobiliora in minus nobilia, non tamen ut videatur e converso, corpora possunt agere in substantias incorporeas, quia ignobilius non potest agere in id quod nobilius est; substantia autem incorporea etiam in formis, quovis formato corpore nobilior est. De hoc Augustinus in libro sexto Musicæ, ita ait: "Ego ab anima "hoc corpus animari non puto, nisi intentione faci- "entis; nec ab isto quicquam illam pati arbitror, "sed facere de illo et in illo tanquam subjecto di- "vinitus dominationi suæ; aliquando tamen cum "facilitate, aliquando cum difficultate operari, quando[1] "pro ejus meritis magis minusve ei subjecta est "natura corporea. Corporalia ergo quæcunque huic "corpori ingeruntur aut obiciuntur extrinsecus, non "in anima, sed in ipso corpore aliquid faciunt, "quod ejus operi aut adversetur aut congruat." Ex his verbis Augustini patet animam, dum est in corpore, a corporali non pati, quam tamen necesse est pati corpore passo; consimiliter videtur quod sub-

S. Aug. de Musica, § 9, Opp. i. p. 516.

[1] *quando*] quanto in Aug., and cedit for *subjecta est*.

stantia incorporea separata a corpore a corporali non patitur, quæ tamen aliquando necessario patitur, passo et moto corpore. De hoc tamen nihil est temere diffiniendum. Hoc autem pro certo tenendum, malorum animas et dæmones in igne pati, sive agente in eos igne, sive ipsis necessario patientibus igne calescente, sicut anima in corpore necessario pœnaliter patitur corpore fervente, vel nimio frigore rigente, nullo tamen corporali agente in animam, sed existente occasione necessaria actionis in ipsam; sicut speculum motum, necessaria est occasio motionis radiorum reflexorum a speculo, nec tamen speculum motum movet radios, sed ipsi movent se ipsos.

Putavi aliquid breviter et succincte tibi scripsisse; sed me dilucida brevitate rem difficilem et obscuram perstringere nesciente, excrevit in prolixum, et[1] vereor ne ipsa prolixitate ad legendum tibi tædiosum. Rogo tamen legas, et ingenia profunda sapientium cum quibus conversaris, qualiter de his sentiant, diligenter interroges. Et si per eos vel per te alicubi a vero me deviasse invenias, rescribendo errorem meum corrigas.

II.

Dominis[2] dilectissimis et sincerissimis atque abundantissima gratia præstantissimis, Fratri Agnello, Ministro Fratrum Minorum et Conventui Oxoniensi Robertus Archidiaconus Leircestriensis salutem. 1225.

Novit sinceritas caritatis vestræ scriptum esse, quoniam *ubi est thesaurus tuus, ibi est et cor tuum,* S. Matt. vi. 21.
et omne quod preciosum ardenter amatur, thesaurum On Mutual Love. We

[1] *et*] ut, C.C.C. | [2] *Dominis*] Charissimis, Sid.

ought not to grieve at separation from friends.

vocari non ambigit. Cordis quoque nomine amorem designari meminit. Quapropter ibidem esse amorem, ubi est preciosum ardenter amatum, veracissime intelligit. Amorem autem et amantem disjungi non posse, omnino notum et certum est. Unde amantem et amatum simul esse manifestum est. Igitur multo amplius amantem et redamantem simul esse clarum est, cum in ad invicem amantibus, utriusque sit amans et utriusque amatum, et quasi mutuo visu uterque in alterum totus eat, et mutuo amplexu sese indissolubiliter astringant. Iterum scriptum novistis: *Multitudinis credentium esse cor unum et animam unam.* Sed luce clarius est, ea quæ unum sunt, ab invicem non esse divisa; ad invicem igitur sese diligentes, et diligendo credentes, dum tales sunt, nequaquam ab invicem divisi et distantes esse possunt, cum simul imo etiam unum, sicut auctoritate irrefragabili Scripturæ patet, necessario sunt. Dolor igitur de vere credentium et mutua caritate sese diligentium divisione sive distantia, dolor inanis est, quia dolet de eo quod nihil est, sed solummodo in figmento falsæ opinionis et carnalis imaginationis esse habet. Eorum enim quæ simul et unum sunt, non est vera, sed solum ficta et imaginata sejunctio ab invicem et distantia. In viros itaque spiritales et carnales imaginationes supergressos et luce veritatis perfusos, hujusmodi dolorem cadere indignum est; a quibus longe relegatur quod vanum et inane est.

Acts iv. 32.

He consoles the Friars Minors at Oxford for the loss of Adam of Oxford,

Hæc autem tam longo principio pertractata[1], quorsum tendant, breviter explicabo. Frater Adam de Oxonia, corporali et locali distantia, Domino promovente ejusdem laudabile et sanctum propositum, a vobis est separandus: cujus separationem localem et corporalem possent forte aliqui de fratribus adhuc infirmioribus, vel ut ejus ab eisdem simpliciter divisionem dolere;

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[1] *pertractata*] pertracta, C.C.C., Ox.

nisi aliqua præmunitio huic[1] infirmitati, velut potiuncula, præservativa sanitatis occurreret. Ideoque hanc literam velut potiunculam præservativam ad utilitatem infirmorum, si qui forte sint tales in vestro sancto collegio, vobis volui dirigere. Non quod credam in vestra sancta societate, non esse plurimos secundum modum hujus peregrinationis perfectos, qui infirmioribus, quicquid viderint illis expedire, et persuadere sciant efficacius, et hoc efficere velint ardentius. Sed talis est spiritalis medicinæ natura, quod quanto a pluribus administratur, tanto efficacius salutem operatur. Et medici spiritales cooperatoribus eorum[2] non invident, sed eorum augmentum quam plurimum desiderant. Unde et Moyses spiritum prophetiæ omnibus desiderat, dicens: *Quis tribuat, ut omnis populus prophetet et det eis Deus spiritum suum?* Et Apostolus gaudet in Dei annuntiatione: *Sive sit occasione sive veritate.* Corporum itaque localis divisio, ut præmonui, dolenda non est, licet præsentia sit jocunda; quia corporum localis distantia non separat ab invicem homines, et maxime caritate mutua conjunctos et in unum conflatos. Homo namque simpliciter est homo interior; unde et exterioris hominis partibus detruncatis, non minus remanet unus et idem homo. Manibus enim meis et pedibus abscissis, oculisque erutis, adhuc vere dicere et lingua præscisa vere cogitare possum, quod sum Robertus, et quod sum ego, et quod ille ego sum truncatus[3], qui prius fui integer. Et de his quorum corpora sunt incinerata, dicit Deus: *Ego sum Deus Abraham, Deus Isaac, et Deus Jacob, qui non est Deus mortuorum, sed viventium.* Vere igitur vivunt Abraham, Isaac, et Jacob, licet eorum corpora incinerentur. Igitur secundum interiorem ho-

Num. xi. 29.
Philipp. i. 18.
Exod. iii. 6.
S. Matt. xxii. 32.

[1] *huic*] hec, C.C.C.
[2] *eorum*] om. C.C.C., Ox.
[3] *truncatus*] truncus, C.C.C., Ox.

minem, vere et simpliciter est[1] et vivit homo. Sed secundum interiorem hominem nequaquam potest ad invicem amantium esse ab invicem separatio. Igitur ut dictum est, hominum se ad invicem amantium non est separatio. Quomodo itaque homini dolendum est, de hominis a se divisione, cum ab eo non possit dividi homo quem vere diligit? Quod si credat quis corporum humanorum localem distantiam esse dolendam, quantum erret, facile patet. Si enim dolenda est[2] alicui corporis humani a se distantia, multo amplius dolenda esset ejusdem corporis non existentia; sed secundum beati Jeronimi sententiam, nec mors amici, quam sequitur corporis humani corruptio, dolenda est; igitur nec corporis amici distantia. Nec sequitur, quod si jocunda est præsentia, dolenda sit absentia. Delectat enim hominem sanum et motus et quies; et oculum sanum visio albi et nigri; et auditum sanum sonus acutus et gravis: sic et amori sano dulcis est corporis amici præsentia, et si utilis est, dulcis est et absentia. Præterea pone corpus amici examine; numquid ejus diliges præsentiam? Sed nec etiam si solum vita vegetabili et sensibili esset animatum, ejus præsentia diligeretur, sed nec forte ferretur. Propter quod igitur[3] corporis præsentia vita rationalis est, vitæ igitur rationalis per se præsentia diligitur. Hæc autem amanti absens esse non potest. Corporalis itaque prædicti fratris Adæ a vobis absentia nulli fratrum sit molesta; maxime cum de absentiæ[4] ejus utilitate, Dei cooperante gratia, magna et rationalis debet[5] esse conjectura. Lumen namque scientiæ ejus tam fulgens est, ut merito ibi maxime collocetur, ubi densissimas infidelitatis tenebras dissipet. Fervor quoque ejus tantus, ut

[1] *est*] est, est, C.C.C., Ox.
[2] *est*] esset, C.C.C., Ox.
[3] *igitur*] igitur diligitur, C.C.C., Ox.
[4] *absentiæ*] absente, C.C.C., Ox.
[5] *debet*] debeat, C.C.C., Ox.

corda lapidea et congelata divino adjutorio liquefaciat, et accendat. Nec debet *lucerna talis poni sub modio, sed super candelabrum, ut luceat* non solum fide illuminatis, sed *omnibus* etiam infidelitate tenebrosis, *qui in* magna *domo* Dei *sunt;* nec in candelabri imo[1], sed in ejus medio et culmine summo. Unde si tale propositum spontaneum non habeat[2], a vobis ad tale compelli deberet, ne aliqua pars gratuitorum donorum Dei in eo vacua esset, et ne membrorum aliquod[3] ab usu et officio ad quod bene natum est ex parte aliqua otiosa torperet. Nec moveat aliquem, quod non per longa tempora sacram paginam audivit. Habet enim articulos fidei in corde humili firmiter fundatos; et ubi in fundamento catholicæ fidei habitat humilitas, non subintrat hæretica pravitas. Habet velox et perspicax ingenium, habet unctionem quæ docet de omnibus, habet Paracletum magistrum, qui *docet eum*[4] *omnem veritatem.* Tam rutilanti gemma non magis possit ordo vester decorari et honorari, quam si contra infidelitatis tenebras opponatur. Nec credatur incircumspecte et sine deliberatione subitaneo motu propositum tale assumpsisse; quia veraciter scio, quod antequam habitum vestrum susciperet, hoc propositum in animo suo firmaverat, et eo libentius habitum vestrum suscepit, quia per ejusdem habitus susceptionem, propositum firmatum melius et citius, proximis utilius et Deo acceptius compleri posse credidit.

S. Matt. v. 15.

S. Joh. xvi. 13.

who is about to preach to the Saracens [v. Eccleston de Adventu Minorum, ed. Brewer, p. 16].

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[1] *imo*] uno, C.C.C.
[2] *habeat*] haberet, C.C.C.
[3] *aliquod*] om. C.C.C., Ox.
[4] *eum*] om. C.C.C., Ox.

III.

Venerabilibus dominis, patri in Christo reverendo, Willelmo decano Lincolniensi, et reverendis Fratribus, et Concanonicis ibidem residentibus, Robertus Archidiaconus Leircestriensis salutem, et cum omni reverentia sinceræ caritatis affectum.

After having obtained leave to go on pilgrimage, he has been induced to change his mind and delay his departure. The reason for this.

Unitati vestræ reverendæ, quantas valeo, licet non quantas debeo, gratiarum actiones reddo, eo quod tam favorabili affectu ad peregre proficiscendum me licentiavit; et super erogando collatam licentiam, literis patentibus dignata est testificari. Volo autem discretionem vestram non latere, quod a peregrinando paulisper adhuc supersedeo: cujus causa hæc est. Constitutus in procinctu itineris, accedens ad venerabilem patrem dominum Lincolniensem,[a] ut ei a quo priusquam a vestra dignatione licentiatus fueram, prout decuit, valefacerem; post tractatum[1] habitum super peregrinatione mea, ab eodem reverendo patre et domino, cum fratre ipsius domino Bathoniensi,[b] et archidiaconis Lincolniæ,[c] et Northamptoniæ,[d] Huntendoniæ,[e] et[2] Bedeford,[f] aliisque plurimis viris discretis et providis, et de mea salute ex sinceræ caritatis affectu non parum sollicitis, ex communi omnium consilio, a domino Lincolniensi, patre dilectissimo et domino timendo, districtam recepi prohibitionem, ne iter propositum adhuc arriperem, sed expectarem, donec agnoscatur plenius, ad quem proveniet exitum commota perturbatio, per quorundam Romanorum deprædationem et captionem, et, ut dicitur, per quorundam interfectionem; ne forte incidens in manus Romanorum, dum ex recentia injuriæ fervet furens libido vindictæ,

[a] Hugh de Wells.
[b] Josceline de Wells.
[c] Robert de Hayles.
[d] John Houton.
[e] Philip de Fauconberg.
[f] Almaric de Buggeden.

[1] *tractatum*] tractum Ox. | [2] *et*] de, Sid.

periculum incurrerem, aut aliquod grave dispendium. Decrevi itaque tantorum et tam sapientium virorum, tantaque dilectionis sinceritate mihi consulentium, consilio adquiescere; ne recedens ab eorum consilio, in periculum improvidus caderem, et tantorum dominorum et amicorum merito indignationem incurrerem, contumaciæ quoque et præsumptionis nota denigrarer. Spero autem quod hanc tardationem non imputabit Dominus, qui tamen jubet in hujusmodi non tardare, per quem etiam dicitur: *In omnibus operibus tuis esto velox.* Hoc enim velociter fit, quod ultra temporis opportunitatem non differtur, nec citra temporis opportunitatem præsumitur. Ultra namque dilatum, tarditatis habet vitium; citra vero præsumptum non est velox, sed magis præproperum. Spero quoque quod vestræ venerationis discretio hanc meam expectationem ex tali causa non ascribet levitati inconstantiæ, nec me propter hanc, utinam nec propter alia, connumerabit cum illis[1] qui *circumferuntur omni vento doctrinæ*; qui, ut ait Seneca, "ex aliis propositis in alia "transeunt aut casu quodam transmittuntur[2], qui more "eorum qui fluminibus innatant, non eunt[3] sed ferun- "tur." Manet namque mihi non motum, conceptum prius propositum, quo ad hoc spero quod constem mihi, idem volens hodie quod heri. Non enim accessit prius habitæ "voluntatis mutatio[4]," quæ, ut dicit Seneca, "indicat animum natare alicubi atque alicubi pro- "perare, prout tulit ventus." Est autem, ut idem auctor asserit, "constantia, quæ deici loco non potest, et propo- "situm nulla vi extorquente dimittit." Et utinam tam non possem deici in aliqua a proposito bono, quam a concepto proposito actu non deicior. Cum igitur maneat

Ecclus. xxxi. 27.

Eph. iv. 14.

Seneca, Epist. 23, ed. Var. ii. p. 87.

Epist. 35, p. 128.

Epist. 67, p. 247.

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[1] *cum illis*] inter illos, Sid., but corrected in the margin.

[2] *transmittuntur*] transmutantur, Sid.

[3] *eunt*] natant, Sid.

[4] *voluntatis mutatio*] voluntatio, C.C.C., Ox.

mihi voluntas et propositum ut fuerunt, licet ad temporis opportunitatem differatur actus propositi et executio, scio quod vestræ discretionis benevola interpretatio dilationem meam levi levitatis et inconstantiæ mutationi non reputabit. Quod si aliquis, manentibus eodem honesto proposito et eadem agendi ratione, actuum dilationem vel etiam pro diversitate causarum aut temporum aut aliarum circumstantiarum commutationem putet esse levitatis et inconstantiæ convertibile signum, respondeo ei per hæc verba beati patris Augustini subscripta, quæ licet prolixe sermonem jam protenderim, vestræ patientiæ ad legendum non sint tædiosa. Ait enim in quadam epistola sua contra quosdam qui causabantur sacramentorum veteris legis commutationem in sacramenta legis gratiæ: "Rerum "ipsa natura et opera humana certa ratione mutantur; "nec tamen eadem ratio est mutabilis, qua ista mutantur. Non autem opinor, cum agricola æstate aliud "inserit quam inserat[1] hieme, ratio[2] mutatur agriculturæ; et cum mane surgit qui nocte quiescebat, vitæ "consilium non mutavit. Aliud magister adolescenti, "quam puero solebat, imposuit; doctrina igitur constans mutato præcepto non mutatur. Magnus ille "nostrorum temporum medicus, Vindiciamus, consultus 'a quodam, dolori ejus adhiberi jussit quod in tempore "congruere videbatur, adhibitum sanitas consecuta est. "Deinde post aliquot annos eadem rursus corporis "causa commota est; hoc idem ille putavit adhibendum; vertit[3] in pejus; miratus recurrit ad medicum, "indicat factum; at ille, ut erat acerrimus, ita respondit: "'Ideo male acceptus es, quia ego non jussi, ut omnes "'qui audissent, parumque hominem nossent, non eum "'arte medicinali fidere, sed nescio qua illicita potentia

S. Aug. Epist. 138, Opp. ii. p. 410.

[1] *inserit . . inserat*] jusserit . . jusserat, Sid., Ox., and so Aug. It has been altered in C.C.C.

[2] *ratio*] non, C.C.C., Ox.

[3] *vertit*] vertitur, Sid.

" 'putarent.' Unde cum esset a quibusdam postea " stupentibus interrogatus, aperuit quod non intellex- " erant, videlicet illi jam ætati non hoc se fuisse jussu- " rum. Tantum igitur valet ratio; ut artibus non " mutatis, quod secundum eas fit, sit[1] pro temporum " varietate mutandum; mutata quippe temporis causa " quod recte[2] antea factum fuerat, ita mutari vera " ratio plerumque flagitat; ut recte non possit fieri, " nisi mutetur, quia utrumque tunc erit rectum, si erit " pro temporum diversitate diversum. Quod enim in " diversitate personarum uno tempore accidere potest, " ut huic liceat aliquid impune facere, illi non liceat: " non quod dissimilis res sit, sed quod is[3] qui facit; ita " ab una eademque persona diversis temporibus tunc " oportet aliquid fieri, tunc non oportet: non quod sui " dissimilis sit, qui facit, sed quando facit." Ex his igitur verbis beati Augustini satis liquere potest, ex una et eodem modo constante semper ratione pro varietate temporum et causarum, actus provenire diversos; unumque pro altero sæpe commutandum et, suborta nova causa, quod sine ipsa in aliquo tempore esset faciendum, in eodem tempore est omittendum, et vel in aliud commutandum, vel in tempus opportunius differendum. Valeat semper in Domino vestra veneratio.

IV.

Dominis in Christo dilectis Abbati[a] et Conventui de Reddinge, Robertus Archidiaconus Leircestriensis salutem et sinceræ caritatis affectum. 1231.

[a] Adam de Latebury.

Scripsi vobis literam humiliter supplicantem ut diem pacis inter nos reformandæ dare velletis diffusiorem, videlicet usque ad reditum meum a peregrinatione, The Abbat and Convent of Reading

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[1] *sit*] om. Ox. Aug. omits *fit*.
[2] *recte*] rectum, Sid.
[3] *is*] hiis, Ox.

have written a greedy and uncourteous letter concerning an annual payment claimed by the convent from Grosseteste as Rector of Albodesley.

quem speravi futurum[1] circiter Pentecosten, litigio similiter insimul dilato; vel si hoc non placeret, saltem differretur usque ad unum vel duos dies ante diem litigio statutum[2]; quo tempore promisi procuratorem meum procuratori vestro apud Sarum occursurum ad ibidem amicabiliter componendum. Et ecce coram Deo quia in litera vobis directa nil erat a me mendaciter confictum, nil dolose simulatum, sed totum ex corde simplici veraciter dictum. Vos autem rescripsistis mihi literam parvam, de qua viderit discretio vestra si non fuerit contumeliis et derisionibus gravida, et oculo simplici veræ religionis incongrua; hæc namque erat primæ clausulæ[3] post salutationem, ut verba vestra ponam, continentia: "Discretioni vestræ "innotescat quod redditum annuum, quem a vobis et "ante tempora vestra percipere consuevimus, tanto "tempore percepimus per manus rectorum ecclesiæ "de AlbodesL.[a] continue et pacifice, quod jam hominum "memoriam excessit:" hæc clausula licet non expresse pronunciet quod dictum redditum usque ad tempora mea perceperitis continue et pacifice, tamen eadem hoc continet ex insinuatione; quod vos non latet esse falsum; quia redditus ille ante tempora mea, videlicet ultimis diebus prædecessoris mei usque ad tempora mea, per ordinarium loci fuit sequestratus; ut sic compelleremini de jure perceptionis vestræ docere. Scitis autem quod mendacii vitium committitur non solum audibili verbo, sed etiam[4] visibili scripto; nec solum expresso sermone, sed etiam obliqua insinuatione. Hoc autem vitium a viris religiosis maxime debet esse longe alienum, quorum *in cœlis*[5] *est conversatio*, et ibidem sincerissimæ veritatis contemplatio; quorum

[a] Abbotsley in Huntingdonshire.

Philipp. iii. 20.

[1] *quem speravi futurum*] quam speravi futuram, Sid.

[2] *statutum*] constitutum, Sid.

[3] *primæ clausulæ*] prima clausula, Sid.

[4] *etiam*] et, Sid.

[5] *cœlis*] cœlo, Sid.

est citius hanc vitam corporalem amittere quam levissimo mendacio a veritatis rectitudine declinare. Si autem in dicta clausula dictam insinuationem[1] non intendebatis, otiose illam clausulam, ne dicam captiose, inserebatis; cum licet aliquando perceperitis, sed usque ad tempora mea vestram perceptionem non continuaveritis, talis perceptio non det[2] vobis jus a me continuo percipiendi. Et cum quilibet redditurus sit *rationem de omni verbo otioso in die judicii,* vobis S. Matt. xii. 36.
minime congruit sermonis otiositas, quorum *ori apposita est custodia et labiis ostium circumstantiæ* ex regulari Psal. cxli. 3.
observantia, silentii taciturnitas, in quibus maxime compleri debet illud Scripturæ, *Cultus justitiæ silentium.* Isa. xxxii. 17.
Scripsistis consequenter: "Unde preces vestras exaudire non possumus sine gravi dispendio," quod tantundem valet quasi diceretis quod propter falsum vel otiosum preces meas exaudire non possetis; cum jam liquidum sit illud[3] quod præmissum fuerat, falsum fuisse ex insinuatione, vel otiosum in sermonis expressione. Præterea qui utrumlibet duorum sub disjunctione petitorum præstat[4], petentem plene exaudit. Duo petii, sed utrumque sub disjunctione; quorum unum si non potuistis concessisse sine vestro dispendio, reliquum potuistis forte cum vestro compendio. Subjungebatis quoque in litera vestra: "Nec etiam tenemur; quia, "ut ex tenore literarum vestrarum poterit conjectura "capi, magis tendit prudentia vestra ad dilationem quam "ad pacem." Etsi forte non unde estis homines, tamen unde estis religiosi homines et vitæ perfectionem habitu profitentes, omnium preces exaudire tenemini, dummodo exauditio puritati fidei vel honestati morum non sit impedimentum; et multo amplius si his promovendis sit adjumentum. Præterea si ex literis meis

[1] *insinuationem*] visitationem, C.C.C.
[2] *det*] dabit, Sid.
[3] *illud*] id, Sid.
[4] Sid. repeats *præstat*.

posset conici quod astute sub specie pacis tenderem[1] ad dilationem, verba literarum mearum posuisse debuistis, ut non ex assertione vestra, sed ex ore meo convincerer, aut quæ ego dixi, non qualia me dixisse scribitis, vera ratione defenderem. Absit autem ut sic injurier paci, quod ea velut pallio contegam pacis dilationem et discordiæ fomitem, et eam quam omnia appetunt, omniumque laborum est finis, a me sponte elongem ordinisque tranquillitatem traham in perturbationem. Ad hoc autem quod consequenter subjungitis in litera vestra, videlicet, quod licet non possemus convenire die statuto apud Dunelmum, potui tamen, si mihi placeret, diem citeriorem ad tractandum de pace vobis constituisse, videlicet ante Natale jam præteritum, vel statim post; respondeo, quod postquam firmaveram propositum de peregre proficiscendo, non potui ante Natale vobis [apud] Dunelmum occurrisse, cum pro temporis brevitate, tum pro negotiorum arctius urgentium occupatione. Disposueram quoque statim post Epiphaniam iter peregrinationis arripuisse; et hujus rei testes mei sunt viri magni fide dignissimi, omni majores exceptione. Adnectitis autem me potuisse de facili voluntatem meam literatorie significasse, et non exprimitis super qua re voluntatis meæ significationem intelligitis: unde cum non possit significari voluntas nisi super re certa, cujusmodi voluntatis significationem in prædicto verbo intellexeritis, omnino non intelligo; quia nec hoc potest intelligi ex verbo prædicto. Ad hoc autem quod subinfertis, me talem procuratorem potuisse misisse, qualem apud Sarum mittere proposui, respondeo, quod ordinaveram me missurum Sarum virum quendam magnum, non litigatorem sed pacis amatorem, per quem speravi modis omnibus pacem inter nos fore reformandam; de quo, in pace reformanda, quam de alio majorem portavi

[1] *tenderem*] tandem, C.C.C., Ox.

confidentiam; qui et loci propinquitate et temporis opportunitate uno vel duobus diebus ante diem statutum liti potuit apud Sarum interesse; sed die condicto inter nos apud Dunelmum, præ loci distantia et temporis incongruentia et negotiorum spiritalium occupatione necessaria, interesse non posset. Adjecit quoque pagina vestra quod non deceret me, virum tantæ auctoritatis, occasiones quærere ad circumveniendum simplicitatem vestram; hæc autem verba non videntur puram sapere simplicitatem, cum vera simplicitas consistat in cognitione veri et amore boni. Si enim credidistis me alicujus auctoritatis, ex veri cognitione non crederetis me habere ad circumveniendum vos rugam duplicitatis et fucum simulatæ voluntatis; scit enim vera cognitio rugam duplicitatis et fucum simulationis nullum habere pondus alicujus auctoritatis, et vere nominatam auctoritatem secum non compati simulatam æquitatem; simulata enim æquitas duplicata est iniquitas; si vero nullius auctoritatis me credidistis, ascribendo mihi auctoritatem non ex amore boni, me hostiliter derisistis, immemores ipsius quod per sapientem dictum est[1]: *Delusores ipse deludet et mansuetis dabit gratiam.* Prov. iii. 34. Adjecistis adhuc, vos esse spoliatos; ad quod respondeo, quod ego vos non spoliavi, sed ex districto præcepto ordinariorum meorum illum quem petitis redditum vobis non solvi, donec coram illis de jure vestro aliquid docueritis; ac per hoc nec illi vos expoliaverunt qui solummodo ad declarandum jus vestrum secundum officii sui debitum, vos compellere voluerunt sicut debuerunt. Additum quoque erat in pagina vestra vos exceptionibus dilatoriis et falsis ex parte mea fatigatos. Si exceptiones dilatoriæ a jure non reprobantur sed ab arte rhetorica, et ab ipso jure

[1] *dictum est*] dicitur, Sid.

docentur et approbantur, et ipse Paulus cum esset civis Romanus Cæsarem appellavit, cur exceptiones dilatorias quasi iniquum aliquid obicitis[1]? Possunt namque proponi dilatoriæ, non, sicut consuetum est ab injustis, sola differendæ justitiæ causa, sed amore iniquitatis repellendæ et justitiæ consequendæ. Ad hæc, si, quod defensores mei proposuerunt aliquas dilatorias, iniquum censetis, caveat vestra religio, ne vestri defensores aliqua dilatoriarum propositione vos unquam[2] tueantur. Quod autem obicitis easdem exceptiones fuisse falsas, hoc non[3] ex vestra assertione, sed ex causæ exitu, an vere obiciatur, melius comprobabitur; præterea etsi essent aliquæ falsæ, quod adhuc non credo, possent tamen fuisse veraciter propositæ; potest enim humana fragilitas decipi, et quæ vera sunt non improbabiliter falsa credere, et e contrario quæ falsa sunt, vera plerumque reputare; sicque accidit quod homo veraciter et inculpabiliter, quia non mendaciter, potest dicere falsum, quandoque[4] mendaciter et culpabiliter potest dicere verum; quod igitur quis falsum[5] dicit, non potest ei obici velut probrosum; sed cum dicit falsum, quod eum non latet esse falsum, hoc est mendacii detestabile vitium quod animam occidit, veritatem abnegando; ipsam qui sic[6] dicit veritatem a se propellit; ruga duplicitatis animam vacuam a soliditate veritatis deformiter contrahit; primi inventoris mendacii, diaboli scilicet qui *est*
S. Joh. viii. 44. *mendax et pater ejus et in veritate non stetit*, per imitationem prolem gignit. Rogatis in fine ut pro Deo et scientiæ meæ claritate prædictum redditum sine cavillatione et difficultate aliqua vobis de cætero velim solvere; sed non creditis me scientia clarum;

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[1] *obicitis*] objecistis, Sid.
[2] *vos unquam*] in vos nunquam, C.C.C., Ox.
[3] C.C.C. inserts *est*.
[4] *quandoque*] et quod, C.C.C., Ox.
[5] *quis falsum*] falsum aliquis, Sid.
[6] *sic*] se, C.C.C., Ox.

ut supra mihi tribuendo auctoritatem, hostiliter me derisistis. Si vero me vel paucam creditis habere scientiæ claritatem, putare debuistis[1] quod valerem deprehendere quam fuerit ista petitio proposita aut derisorie aut inartificiose: vitiosum namque et inartificiosum est exordium a quo potest adversarius incipere; sic et vitiosa allegatio quam potest adversarius in allegantem retorquere. Similiter et hæc petitio vitiosa est, cum et ego possem consimiliter vos rogare quatenus pro Deo et religionis vestræ ac utriusque partis tranquillitate, prædictum redditum, in quo nullum jus habetis, de cætero desisteretis[2] exigere. Hæc multo prolixius quam vellem sunt dictata; sed parva vestra pagella, ad quam respondere oportuit, multo prolixioribus fuit gravida[3]. Hæc rescripsi, novit Dominus, non ut vos verecundarem, sed ut velut[4] dominos 1 Cor. iv. 14.
carissimos sincero affectu commonerem, ne nimis tenaciter talium adhæreatis consilio quales vestram paginam conscripserunt, qui *ventum seminant et metunt turbinem*; Hos. viii. 7.
qui, sicut dicit beatus Bernardus, "non tam leges "quam lites proponunt et cavillationes, subvertentes "judicium." Quid mirum si consulit ut arem qui non habet unde vivat nisi de mercede arationis? Aut si habet unde vivat, tamen cupiditate hujus mercedis insatiabiliter æstuat. Ingeniosus erit talis ad persuadendum quod etiam littus arenosum sit arandum. Recogitet quoque professionis vestræ sanctitas, quod *servos Dei non oportet litigare, sed mansuetos esse ad omnes*, sicut dicit Apostolus ad Timotheum. Et 2 Tim. ii. 24.
item ad Corinthios ait: *Jam quidem omnino delictum est in vobis quod judicia habetis ad invicem; quare non magis injuriam accipitis? Quare non* 1 Cor. vi. 7, 8.

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[1] *debuistis*] debuissetis, Sid.
[2] *desisteretis*] desistetis, Sid.
[3] *gravida*] gravidata, Sid.
[4] *velut*] om. Sid.

fraudem magis patimini? Sed vos injuriam facitis et fraudatis, et hoc fratribus. Respiciatis etiam, rogo, quæ dicunt expositores super hæc loca Apostoli, et ex illis intime perspectis, vosmetipsi judicate quo vos deducunt qui vobis persuadent litigare. Quod si hæc dicta in me volueritis referre, respondeo vobis, me omnibus modis odire litigium; ideoque adhuc, sicut et[1] ab initio, paratus sum, et sicut me paratum esse, si recolitis, aliquotiens vobis scripsi, ut redditum quem exegeritis plene et sine contradictione persolvam; si vir aliquis vel aliqui sapientes et boni, in quos ambo consenserimus, bona fide audito jure vestro et cognito etiam jure meæ defensionis, absque omni litigio decernant[2] quod in sæpe dicto redditu percipiendo bonam fidem, justum titulum, et verum jus habeatis: quibus si scienter careatis, non possetis quod expetitis percipere sine vestra, quod absit, damnatione; sicut ego, si sciens vos hoc habere quod expetitis, detinerem, damnationem mihi adquirerem. Sit igitur, si placet, dominus Dunelmensis inter nos arbiter, et quod ipse decreverit, ratum utrinque habeatur. Si autem placeat, sicut placere debet, vestræ professionis sanctitati, aliter de pace tractare, libens occurram vobis [apud] Dunelmum, vel citra, ubi volueritis, et quando, vita et sanitate comitantibus, et inopinatis impedimentis sublatis de medio; mea namque peregrinatio sicut ex causa necessaria fuit firmiter disposita, sic ex causa necessaria majorum consilio et etiam imperio est ad præsens dilata. Nihil autem in literis vestris mihi magis debet esse molestum quam quod dixistis, quocunque animo illud dixeritis, me virum auctoritate et scientiæ claritate præditum, cum adhuc ad discipulatum viri auctentici me sentiam minus idoneum et innumerabilium sciendorum ignorantiæ tenebris perfusum. Quod si

He proposes to refer the matter to Richard Poore, bishop of Durham; and will meet the convent at Durham, or where and when they please, as his pilgrimage has been put off.

[1] *et*] om. Sid., Ox. | [2] *decernant*] decernat, C.C.C.

aliquid horum esset in me, Ille solus ex his laudandus, et totum illi tribuendum, cui quotidie dicimus: *Non nobis, Domine, non nobis, sed nomini tuo da gloriam.* Valeat in Domino veneratio vestra. Amen. Psal. cxiv. 1.

V.

Eximiæ[1] *dominæ et in Christo carissimæ, dominæ Margaretæ de Quinci, Comitissæ Wintoniæ, Robertus Archidiaconus Leircestriensis salutem, et cum sincero caritatis affectu paratam ad obsequia voluntatem.* 1231.

On the proper treatment of the Jews: they are not to be encouraged, but not to be put to death.

Munificentiæ[2] liberalitatis vestræ gratias ago affectuosas, quæ plurimis[3] me prævenit beneficiis, et præventum subsequentibus amplioribus abundanter accumulavit. Licet autem beneficia retributionem non exigant, quia si beneficia sunt, gratis sunt collata; tamen ingratus est, qui cum possit, beneficium[4] non retribuit. Volens igitur beneficiis vestris pluribus et magnis saltem aliquam referre vicem, nihil inveni majus quod retribuerem, quam vitæ perpetuæ promerendæ necessariam, commonitionem salubrem. Obtulit quoque se mihi occasio duplex, ut eximietati vestræ aliquid salubriter commonitorium scriberem. Intimatum namque est mihi, quod Judæos, quos dominus Leircestriensis de municipio suo expulit, ne Christianos in eodem manentes amplius usuris immisericorditer opprimerent, vestra disposuit[5] excellentia super terram vestram recolligere[6]. Quod si disponitis, qualiter a

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[1] *Eximiæ*] Maximæ, Sid.

[2] *Munificentiæ*] Magnificentiæ, Sid.

[3] *plurimis*] uberibus, Sid.

[4] *beneficium*] om. Sid.

[5] *disposuit*] disponit, Sid.

[6] *recolligere*] intelligere, Digb.

Christianis principibus recolligi debeant et tueri, prius
Acts ii. 23. diligenter attendatis. Propter peccatum homicidii, quo mundi Salvatorem, Dominum nostrum[1] Jesum Christum affigendo cruci, crudeliter occiderunt, ne per ejus[2]
S. Joh. xi. 48. saluberrimam prædicationem locum perderent et gentem, per Titum et Vespasianum locum infeliciter amiserunt, et ipsi captivati, et per omnes regiones et nationes captivi dispersi sunt, nec ante ultima mundi tempora ad libertatem redibunt. In ultimis vero temporibus, cum *plenitudo gentium*, sicut scriptum est,
Rom. xi. 25, 26. *intraverit*, videlicet ad fidem, tunc *omnis Israel*, id est, populus Judæorum, per eandem Christi fidem *salvus fiet*, et ad veram libertatem de captivitate redibit. Interim autem dum idem populus Judæorum in infidelitate permanens Christum mundi Salvatorem blasphemat, et ejus[3] passionem subsannat, sub mundi principibus in justam pœnam[4] peccati sui tenebitur captivus. Debentque principes qui eos tenent captivos, ne occidantur defendere, et insimul, ne Christianos usuris opprimant, severissime prohibere[5]; et ut de licitis manuum suarum laboribus victum sibi acquirant, providere[6]. Hæc autem[7] ultima Judæorum captivitas: et tamen ne in hac captivitate occidi debeant, pluribus Scripturæ locis prophetatur. Ad Cain namque qui gerit typum Judæorum, cum occidisset fratrem suum Abel, qui gerit typum Christi, pro mundi salute a
Gen. iv. 11. Judæis occisi, dictum est: *Nunc igitur maledictus eris super terram, quæ aperuit os suum et suscepit sanguinem fratris tui de manu tua: cum operatus fueris eam, non dabit tibi fructus suos; vagus et profugus eris super terram. Dixitque Cain ad Dominum,*

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[1] *nostrum*] om. C.C.C., Ox., Digb.
[2] *ejus*] hujus, C.C.C.
[3] C.C.C. and Ox. insert *et*.
[4] *pœnam*] pœnitentiam, Digb.
[5] *prohibere*] cohibere, C.C.C., Ox., Digb.
[6] *providere*] om. C.C.C., Ox.
[7] MS. Oxon. has lost a leaf here.

Major est iniquitas mea, quam ut veniam merear: ecce eicis me hodie a facie tua, et a facie tua abscondar, et ero vagus et profugus in terra. Omnis ergo qui invenerit me occidet me. Dixitque Dominus, Nequaquam ita fiet, sed omnis qui occiderit Cain, septuplum punietur. Posuitque Dominus signum in Cain, ut non eum interficeret omnis qui invenisset eum. Secundum hanc itaque Domini prælocutionem maledictus est populus ille dum perstat in infidelitate et blasphemia: non solum maledictione culpæ, sed etiam maledictione pœnæ; et justæ pœnæ inflictio est ut terram laboriose operetur[1], quæ etsi[2] ex operatione illius populi fructificet, non tamen fert illi fructus suos, sed principibus sub quibus captivatur. Vagus est populus ille per dispersionem, et profugus a propria sede, scilicet Jerusalem, vagus per mansionis incertitudinem et[3] profugus per mortis timorem. Habet tamen ne occidatur Domini prælocutionem, et etiam jussionem in Psalmo; namque de illis scriptum est: *Deus ostendit mihi super inimicos meos, ne occidas eos, ne quando obliviscantur populi mei.* Quod de Judæis accipiendum esse, testatur beatus Augustinus, adicitque causam quare non sunt occidendi, videlicet quia "portant codices nostros, de quibus prophetatus[4] "et promissus est nobis Christus." Ac per hoc sunt testes fidei Christianæ contra infidelitatem Paganorum. Insuper, sicut supra tactum[5] est, in fine convertentur ad Christum, quia *si fuerit numerus filiorum Israel tanquam arena maris, reliquiæ salvæ fient.* Habent igitur Judæi ex misericordia Domini, in gloriam Christianorum, ut non occidantur, et habent ex Dei justitia, ut per diversas nationes, vagi et profugi dispergantur,

Psal. lviii. 12.

S. Aug. in Ps. lviii. § 22. Opp. iv. p. 568.

Rom. ix. 27.

[1] *operetur*] operietur, Digb.
[2] *etsi*] si, Digb.
[3] *et*] sed, Sid.
[4] *prophetatus*] prophatus, Sid.
[5] *tactum*] dictum, Digb.

et sub principibus captiventur, terram laboriose operentur, in principum utilitatem, et suæ infelicis vitæ qualemcunque sustentationem. Non itaque a Christianis principibus foveri debent Judæi, ut Christianos usuris opprimant, et de usuris in deliciis et otio vivant, qui ex Domini sententia pœnæ laboris addicti sunt. Christiani namque principis officium est Christianos[1] ab infidelium oppressione potenter eripere, non cupide et impie[2] per infideles opprimere; Domini sententiam de inflicta Judæis pœna ratam habere, et non ipsam eos exaltando enervare. De ipsis namque adnectit

Psal. lviii. 12. Psalmus: *Disperge illos in virtute tua, et depone*[3] *eos, protector meus, Domine. Depone* dicit[4], per humiliationem pœnæ, non *exalta* per congregationem usuræ. Sciant itaque principes qui eos fovent vel eis favent in usuris a Christianis, se esse reos peccati eorum, et sic futuros participes[5] pœnæ eorum.

Rom. i. 32. Quia sicut dicit beatus Paulus: *Non solum qui talia agunt, sed qui agentibus consentiunt, morte digni sunt.* Et sicut[6] dicunt sancti expositores omnes, reputantur consentientes, qui cum possint impedire, et non impediunt. Principes quoque qui de usuris, quas Judæi a Christianis extorserunt, aliquid accipiunt, de rapina vivunt, et sanguinem eorum quos tueri deberent[7], sine misericordia comedunt, bibunt, et induunt, a quibus,

Isa. i. 15. sicut dicit propheta: *Dominus avertet oculos suos cum extenderint manus suas ad illum*[8], *et cum multipli-*

Isa. ix. 5. *caverint orationem, non exaudiet eos; quia manus eorum sanguine plenæ sunt, et vestimentum eorum mixtum sanguine, erit in combustionem et cibus ignis.* Caveat itaque, domina mea carissima, talium

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[1] *Christianos*] om. Sid.
[2] *impie*] inepte, Digb.
[3] *depone*] dispone, C.C.C.
[4] *dicit*] Domine, Digb.
[5] *peccati . . participes*] om. Digb. C.C.C. omits *sic*.
[6] *sicut*] om. Sid.
[7] *deberent*] debent, Digb.
[8] *ad illum*] om. Sid.

criminibus aliquo consensu inquinari, et talibus pœnis ex judicii districtione puniri.

Secunda quoque occasio, quæ materiam scribendi dedit, est hæc: videlicet, quod quidam de ballivis vestris, ut a pluribus audivi, in parochia præbendæ meæ, hominibus vestris sub districtione prohibuit, ne quis[1] eorum de decimis eorum in parochia dicta sitorum aliquid emere præsumeret. Qui si hoc fecerit, leges humanas et divinas non mediocriter læsit. Abstulit enim mihi commercium emptionis et venditionis, quod leges tam divinæ quam humanæ non solum concedunt, sed etiam tuentur. Nec solum indigenæ hoc gaudent humanæ societatis bono et necessitatis solatio; sed etiam alienigenæ, servi et ancillæ, tempore pacis et guerræ. Contra leges omnes judicem se fecit super me, cum nemo sibi judicis *sumat honorem, sed qui vocatus est a Deo;* omnis namque potestas a Deo est[2], sicut dicit Apostolus. Me non vocatum, non con- [illegible] non confessum, pœna sceleratissimorum homi- [illegible]justissime condemnavit. Voluit quoque præcepto suo hoc efficere, ut parochiani mei decimas suas rite non solverent, in hoc impie cervicem erigens contra Deum, qui directe[3] jubet decimas solvere. Quia itaque iste[4] talis Dei præcipientis impius subsannator, ecclesiæ [illegible]torum superbus contemptor, de vestris esse [illegible] ob reverentiam vestram volui hæc vobis prius innotescere, quam secundum officii mei debitum in ipsum animadvertere. Contra si[5] ad vestrum imperium satisfacere curaverit, gratanter acceptabo. Non convenit autem sanctæ viduitatis vestræ venerationi, quæ jejuniis, orationibus, et eleemosynis, cum *Anna prophetissa filia Phanuel,* die ac nocte obsequitur

A complaint of the conduct of the countess's bailiffs in the parish of Grosseteste's prebend.

Heb. v. 4.

Rom. xiii. 1.

Mal. iii. 10.

S. Luc. ii. 36.

[1] *quis*] aliquis, C.C.C., Digb.

[2] *omnis . . est*] om. Digb.

[3] *directe*] districte, C.C.C.; distrinte, Digb.

[4] *iste*] ista, C.C.C.

[5] *Contra si*] Quasi, C.C.C., Digb.

Domino, et sanctam matrem ecclesiam devote veneratur, et prælatos ecclesiæ obedienter suscipit et reverenter honorat, ministros fovere, Domino contraria præcipientes et matrem ecclesiam inhonorantes et prælatos ecclesiæ[1] contemnentes; ne ministrorum vitium congrua severitate non repressum, vobis reputetur in peccatum; et exhalans nebula de eorum cœnosa libidine, obfuscet lucem bonorum operum, quæ de vestra radiat[2] devotione. Hanc commonitionem rogo non contemnat in sublimitate vestra gratior humilitas; quia ad scribendum illam compulit, *quæ patiens et benigna est* (1 Cor. xiii. 4, 5.) *et non inflatur, nec irritatur, caritas.* Valeat in Domino domina mea carissima.

VI.

1231. *Illustri et nobili viro, domino Richardo Marescallo, Comiti Pembrochiæ, suus Robertus Archidiaconus Leircestriensis salutem et promptam ad obsequia voluntatem.*

On the glory and riches of heaven.

Magnorum animorum est, alios beneficiis prævenire, et quasi minorum formam induendo, eis condescendere et in familiaritatis amplexum benignius assumere. Ut enim ait beatus Joannes Chrysostomus: "Sublimium "illa maxima et admirabilis gloria est, humiliari posse "submissos." Hujus quoque exemplum præbuit Dei filius, qui cum sit cum Patre Deus unus super omnia excelsus, *semetipsum exinanivit, formam servi accipiens*[3], *in similitudinem hominum factus, et habitu inventus est ut homo.* (Phil. ii. 7.) Hoc eximio magnæ humilitatis genere vos esse decoratos, experientia comperi. Nam et me beneficio prævenistis, et meæ parvitati con-

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[1] *ecclesiæ*] etiam, Sid.
[2] *radiat*] radiet, Sid.
[3] *accipiens*] suscipiens, Sid.

descendentes, eam in excellentiæ vestræ familiaritatem assumere dignati estis. Quia vero, secundum quod ait[1] Seneca, certandum nobis est, ut beneficia beneficiis superemus; vellem, si possem, recepta beneficia repensis beneficiis majoribus vincere, vel saltem æqualibus æquiparare. Verumtamen cum id quomodo faciam, non facile inveniam; quod tamen potero dependere non desistam. Cumque non possim æqualia vel majora retribuere, non desinam indesinenter vobis majora desiderare. Præbuistis mihi familiaritatem vestri, optabo vobis familiaritatem Dei. Et quia Ipsius familiaritas nulli conceditur, nisi qui contemptis transitoriis et vanis, ardentem habuerit amorem cælestium; quasi quædam fomenta cælestis amoris, et accendentia incitamenta, pauca subscripsi de gloria et divitiis, quæ sunt in domo Domini cælestis, ut eis intellectis amor cælestis in vobis foveatur, et confotus amplius accendatur.

Seneca De Beneficiis I. cap. iv. ed. Var. i. p. 597.

De divitiis igitur aulæ cælestis erit rerum pretiosissima lux nullis admixta tenebris, nullis interpolata vicissitudinibus, nullis finita terminis, nec terminata finibus. Erit ibi bonorum omnium sine diminutione copia, sine defectu perfectio, nec divisa nec[2] diminuta per comparticipes alicujus boni participatio, quia erit singulorum plenissima omnium bonorum possessio, sicut vident plures oculi solem totum, sole videntibus pluribus non partito. Et sicut in hac vita est nobis discretio operum, sic erit in illa gloria proculdubio discretio dignitatum; ut quia hic alius alium merito superat, illic alium retributione transcendat. Erit illic in spiritu nostro omnis veritatis absque ignorantia cognitio. In lumine enim quod Deus est, videbimus lumen omnis creaturæ veritatis, sicut per Psalmistam

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[1] *ait*] sentit, C.C.C. | [2] *nec*] vel, C.C.C.

Psal. xxxv. 10. dicitur[1]: *In lumine tuo videbimus lumen.* Et in æternis et increatis rationibus contuebimur omnium rerum creatarum existentias, formas, et species, initia, profectus, status, declinationes, et consummationes. Ibi erit amor noster in Deum sine mensura et modo; in omnes autem et singulas creaturas cum debitis unicuique mensura et modo; ibi erit in corporibus levitas sine pondere, agilitas sine retardatione, fortitudo sine passibilitate, splendor sicut in sole. Nec erit in hac beatitudine ulla permixta invidia, quia tantum gaudebit quilibet de cujuslibet alterius gloria, quantum lætabitur de propria. Solummodo ibi deficiet defectus, et ignorabitur ignorantia, et tradita erit oblivioni oblivio, mors mortua et corrupta corruptio. Ibi vacabimus et videbimus, videbimus et amabimus, amabimus[2] et sine fine laudabimus, quia misericordias Domini in æternum cantabimus. Ad hæc igitur ineffabilia gaudia, viriliter et invincibiliter enitendum; ut nulla retardet obsistendo vel terrendo temporalis adversitas, nulla retrahat illiciendo illecebrosa voluptas. Et quia non decet tantum virum, militiæ cingulo præcinctum, hanc viam quæ ducit ad patriam segniter super[3] pedes incedere, ascendatis equum sancti et cælestis desiderii, cujus frænum sit discretio, sella circumspectio, prævidens ante, districtionem futuri judicii; retro, confusionem præteriti peccati. Duo sint scansilia, a dextris humilitas, a sinistris peccata. Duo calcaria, in dextro pede promissio beatitudinis futuræ, in sinistro metus gehennæ. Et quia non est tutum per viam, qua insidiantur prædones atrocissimi, inermem incedere: Eph. vi. 16, 17. *induti sitis lorica justitiæ,* muniti *scuto fidei,* protecti *galea salutis,* accincti *gladio spiritus, quod est verbum*

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[1] *dicitur*] scriptum est, C.C.C.
[2] *amabimus*] om. C.C.C.
[3] *super*] seu, C.C.C., Sid., e corr.

Dei. Valeat in Domino vestræ magnanimitatis humilitas et humilitatis sublimitas, et cætera.

VII.

Illustri viro et nobili domino Richardo Marescallo, Comiti Pembrochiæ suus Robertus Grosseteste salutem. 1231.

Fama magnis laudibus vestram extollit sapientiam, quam fiducialiter spero et ardenter desidero vobis inesse non fallacem sed veram. Ut autem et fama verum prædicet, et spes mea apprehendat, et amor quod desiderat, teneat; discretionem veræ sapientiæ a fallaci, non ex meis inventis, sed auctenticorum dictis, vestræ volui innotescere discretioni, ut utriusque sapientiæ perspectis proprietatibus, et hanc ametis ferventius, et illam vitetis studiosius. Duplex namque in Scripturis nominatur sapientia; una quæ dicitur sapientia hujus mundi, quæ, ut dicit Apostolus Jacobus, *animalis est, terrena, et diabolica;* altera quæ dicitur sapientia justorum et *sapientia quæ de sursum est,* quæ, ut dicit idem Apostolus, *primum quidem pudica est, deinde pacifica, modesta*[1], *suadibilis, bonis consentiens, plena misericordia et fructibus bonis, judicans sine simulatione.* Utramque[2] sapientiam apertius explicans beatus Gregorius, ait: "Hujus mundi sapientia est, cor machinationibus "tegere, sensum verbis velare, quæ falsa sunt vera "ostendere, quæ vera sunt fallacia demonstrare. Hæc "nimirum prudentia usu a juvenibus scitur, hæc a "pueris pretio discitur; hanc qui sciunt, cæteros de"spiciendo superbiunt[3]; hanc qui nesciunt, subjecti

On the two kinds of wisdom.

S. Jac. iii. 15, 17.

S. Gregor. Moral. X. in Job. xii. 4, p. 360.

[1] Sid. inserts *et.*

[2] *Utramque*] Utraque per, C.C.C.

[3] Sid. here inserts *et superbiendo despiciunt,* which are not in S. Gregor.

" et timidi in aliis mirantur, quia ab eis hæc eadem " duplicitas iniquitatis[1] nomine palliata diligitur, dum " mentis perversitas urbanitas vocatur. Hæc igitur " obsequentibus præcipit, honorum culmina quærere, " adepta temporalis gloriæ vanitate gaudere, irro- " gata[2] ab aliis mala multiplicius reddere, cum vires " suppetunt, nullis obsistentibus cedere; cum virtutis " possibilitas deest, quicquid explere per malitiam non " valet, hoc in pacifica bonitate simulare. At contra, jus- " torum sapientia est, nihil per ostensionem fingere, sen- " sum verbis aperire, vera ut sunt diligere, falsa devi- " tare, bona gratis exhibere, mala libentius tolerare quam " facere, nullam injuriæ ultionem quærere, pro veritate " contumeliam pati, lucrum putare pro maledicentibus " orare, paupertatem quærere, possessa relinquere, ra- " pienti non resistere, percutienti alteram maxillam præ- " bere." In hujus sapientiæ compedes monemur pedes

S. Aug. Epist. 26. Opp. ii. p. 37.

inicere, quia, ut dicit beatus Augustinus: " Hæc sapi- " entia quos primo alligaverit, et exhortatoriis quibus- " dam laboribus edomuerit, solvet postea, liberatisque " sese donat ad fruendum: et quos primo tempora- " libus nexibus erudierit, postea æternis amplexibus " alligabit, quo vinculo nec jocundius nec solidius " excogitari quicquam potest. Prima hæc aliquan- " tulum dura esse fateor; illa vero ultima nec dura " dixerim, quia dulcissima sunt, nec mollia, quia " firmissima. Vincula vero sapientiæ hujus mundi " asperitatem habent veram, jocunditatem falsam; cer- " tum dolorem, incertam voluptatem; durum laborem, " timidam quietem; rem plenam miseriæ, spem beati- " tudinis inanem." Hæc fallax mundi sapientia sponte se ingerit, et ad januam juventutis[3] nostræ importune pulsat, ut sibi aperiatur et intret. Vera

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[1] *iniquitatis*] æquitatis, Sid.
[2] *irrogata*] erogata, Sid.
[3] *juventutis*] mentis, C.C.C.

autem sapientia, sicut ait Salomon, *velut thesaurus effodienda est.* Sicut[1] enim ait beatus Gregorius: "Hæc sapientia in rerum superficie non jacet, quia in "invisibilibus latet. Et hanc[2] sapientiam contingentes "apprehendimus, si relictis visibilibus, invisibilibus ab- "scondamur; si hanc, cor effodientes, quæramus ut "omne quod terrenum mens cogitat, a semetipsa manu "sanctæ discretionis eiciat, et thesaurum qui latebat "agnoscat. Facile enim in se thesaurum sapientiæ in- "venit, si eam quæ se male presserat, molem terrenæ "cogitationis a se repellit." Ex his verbis beatorum[3] Gregorii et Augustini, liquido patere potest, quantum justorum sapientia sit appetenda, et mundi sapientia fugienda; quam vere laudabilis est, quem ista perornat, et quam vituperabilis quem illa deformat. De quibus utrisque plura scripsissem excellentiæ vestræ, nisi timerem literarum prolixitate vobis, variis occupationibus detentis, onerosus esse.

Prov. ii. 4.

S. Greg. Moral. V. in Job. iii. 21, p. 142.

VIII.

Magister Robertus Grosseteste dilectæ sibi in Christo Juettæ sorori suæ salutem æternam. 1232.

Desideranti tibi valetudinis meæ statum agnoscere, et ut eum literis tibi insinuem avide expetenti, breviter significo quod ante festum Omnium Sanctorum gravi febris acutæ detinebar ægritudine; sed divinæ gratiæ manu ad me extensa a dicta ægritudine convalui, pristinæ et consuetæ restitutus sanitati. Noveris quoque quod omnes redditus quos habui, resignavi,

His recovery from fever.

He has renounced all his preferments excepting his prebend at Lincoln.

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[1] *Sicut*] sic, C.C.C.
[2] *hanc*] nunc, C.C.C.; tunc, Greg.
[3] *beatorum*] beati, Sid.

præter præbendam quam habeo in ecclesia Lincolniensi. Nec te, quæ religionis geris habitum, religionisque servandæ emisisti votum, moveat aliquatenus aut contristet, si spontanee factus sum pauperior, ut[1] virtutibus fiam ditior; si mundo sim despectior, ut cæli civibus sim acceptior; si propter bonum obedientiæ reliqui quædam temporalia, cum nulla virtus nisi per obedientiam mereatur cælestia. Debes enim bonum quod amas in te, tanto ardentius amare in me, quanto conjunctiores sumus carnis proximitate. Amas autem in teipsa, ut spero, bona veræ religionis; veritas autem religionis nititur apprehendere culmen perfectionis ut jam nulla mala proximis irroget, irrogata a proximis æquanimiter portet; objectis bonis temporalibus nequaquam mentem lætitia solvat; subtractis eisdem non nimio aut omnino nullo mœrore se afficiat; rerum corporalium[2] umbras nequaquam secum trahat, et fortasse tractas manu discretionis abigat. Abrenunciat enim mundo vera religio, juxta vocem veritatis, dicentis: *Nisi quis renunciaverit omnibus quæ possidet, non potest meus esse discipulus.* Et sicut ait beatus Gregorius: "Piæ mentes hæc temporalia, et "cum desunt, non quærunt, et graviter etiam cum "adsunt, ferunt, quia per exteriorum curas a se exire "pertimescunt. Nisi enim mens ab exterioribus desi- "deriis se abscondat, interna non penetrat; neque ad "contemplanda interna perducitur, nisi ab his quæ "exterius implicant, studiose subtrahatur." Cum igitur tu religionem professa, hæc et hujusmodi bona religionis in teipsa[3] diligas, saltem aliquem ad hæc bona conatum, licet debilem, mihi non invideas: æquo animo tolera quod gravantis sarcinæ partem deposui[4] graviorem: imo totis visceribus exulta, quod eo ex-

S. Luc. xiv. 33.

S. Greg. Moral. V. in Job. iii. 26, p. 147; iv. 12, p. 161; iv. 13, p. 164.

[1] *ut*] om. C.C.C.
[2] *corporalium*] temporalium, Sid.
[3] *teipsa*] te, Sid.
[4] *deposui*] disposui, C.C.C.

oneror quod, nisi esset depositum, esset graviter oppressurum. Vale [1] in Christo.

IX.

Dilectissimo sibi in Christo magistro Adæ de Marisco suus Robertus Grosseteste salutem. 1232.

Recepta epistola tua [2] dulciflue consolationis, necnon et piæ aggratulationis magnanimæque corroborationis, non modicum refocillatus est spiritus meus. Postquam enim gravis sarcinæ viribusque meis importabilis graviorem partem deposui [3], usque ad tuam epistolam nullam inveni ab homine veram consolationem; sed nonnullas acerbas objurgationes, mordaces detractiones, et etiam a familiaribus graves ad sustinendum contemptus. Crebro quoque ipsius sarcinæ mea depositio cum fatuitatis improperio mihi est objecta. Sic [4] hæc et hujusmodi, licet animum meum infirmum aliquando ad horam molestaverint, ad me tamen reversus gratanter suscipio. Si enim fatue feci in his et hujusmodi, justam pœnam reporto; et veniam a Deo petens, justitiæ illius lætabundus, et gratias agens, assentio. Si vero sapienter gravante onere me relevavi, scio tamen, quod in eodem facto coinquinationis macula non careo, cum *omnes justitiæ nostræ sint tanquam pannus menstruatæ*, et mala nostra pura mala sunt, bona autem nostra non pura bona. Unde contumelias et contemptus tanto gratantius suscipere debeo, quanto magis pie sperandum est, quod admixtæ coinquinationis sit salubris purgatio. Ad hæc noverit tuæ dilectionis discretio, quod adjuvante di-

Answer to the letter of Adam de Marisco.

He has been attacked for his conduct in resigning his preferments.

Isa. lxiv. 6.

[1] *Vale*] Valeas, Sid.
[2] *tua*] tue, C.C.C.
[3] *deposui*] disposui, C.C.C.
[4] *Sic*] Si, C.C.C.

vina gratia, non me contristat, sed multo magis lætificat aut ab altioris dignitatis gradu descensio, aut terrenarum opum minoratio. Novi enim altioris gradus non pauca vel parva pericula; quam lubricus sit in ipso statu lapsus, quam pauci gradum celsiorem affectent, caritate consulendi, quam multi cupiditate[1] dominandi, quam difficilis superbiæ repressio, quam rara propriæ infirmitatis consideratio, quam violenter se ingerit aliorum contemptus, quam vix admittitur infirmioribus condescensus, quam falsa et solum imaginaria est hæc dominatio, et quam vera et solida servitutis subjectio. Novi quoque experientia, unde adhuc doleo latera, quantæ sunt in divitiis punctionum spinæ, quantæ peccandi occasiones, quam vix aut nequaquam ubi multæ sunt, bene dispensantur, quam vere quo magis abundant possessorem suum non ditiorem faciunt, sed egentiorem, quam cæca et consopita mente se somniat quis earum rerum possessorem, quarum non habeat[2] potestatem. Quomodo namque potestatis meæ sunt, quæ cum voluero retinere, me invito fugiunt? cum voluero apprehendere, evanescunt? cum augmentare[3], diminutionem capiunt? cum stare, fluunt? cum his deinde[4] voluero suaviter frui, aspere pungunt? Unde significanter[5] Psalmista
Psal. lxxv. 6. ait: *Dormierunt somnum suum et nihil invenerunt omnes viri divitiarum in manibus suis*, id est, in potestate sua. Unum autem est quod quidam arbitrantur sagaciter se mihi obicere, videlicet, quod pastoralem curam ut aiunt, minus provide deserui; ad quos ut mihi videtur, prompta est, quam etiam tu jampridem nosti, sufficiens responsio. Hinc enim urgebat me impotentia agendi curam prout oportuit, quam minus

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[1] Sid. inserts "mundi."
[2] *habeat*] habet, C.C.C.
[3] *augmentare*] augmentari, C.C.C.
[4] *deinde*] om. Sid.
[5] *significanter*] signaliter, C.C.C.

circumspecte, nimisque[1] audacter susceperam, illinc vero obedientia qua teneor obtemperare constitutionibus sedis apostolicæ. Verum autem est, quod cura pastoralis semel suscepta deserenda non est, nisi is[2] qui deserit in altioris professionis statum se transferat, vel impotentem ad susceptam curam agendam se sentiat, vel ex cura sua in subditis fructum non speret, vel minus provide, vel etiam si possibile est, provide sic se aliis implicuerit, quod cum eis susceptam curam licite tenere non possit. Verumtamen in facto meo me non justifico, licet sperem, quod illud a timore Dei conceptum fuerit et partum. *Vereor* enim cum afflicto Job *omnia opera mea.* Et scio Job. ix. 28.
quod sicut in libro eodem Job scribitur: *Non justi-* Job. xxv.
ficari potest homo comparatus Deo, aut apparere mun- 4–6.
dus natus de muliere; et quod *luna non splendet, et stellæ non sunt mundæ in conspectu ejus; quanto magis homo putredo et filius hominis vermis?* Proinde dilecte mi, te cum lacrymis suppliciter oro, quatenus non desinas orare Deum pro me, ut memoratum factum si malum fuerit, simul cum aliis malis meis magnis et innumeris, per infinitam misericordiam suam dimittat; si bonum, quod magis spero, ut maculas ex circumstantiis in eodem facto et in aliis bonis si qua gessi, contractas, misericorditer abluat et abstergat.

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[1] *nimisque*] minusque, C.C.C. | [2] *is*] hiis, C.C.C.

X.

1232-4. *Dilecto sibi propter Christum magistro N.*[1] *Robertus Grosseteste salutem.*

To a clergyman on his luxurious and licentious life.

1 Cor. xiii. 8.

Lam. iv. 1.

Te, quem in Christo consuevi diligere, non possum non diligere propter Christum: *Caritas enim nunquam excidit;* dico autem quod non in Christo, sed propter Christum te diligo; quia ut fama validis et clamosis vocibus de te clamat, tu in Christo non es. A corpore namque Christi te sejunxit lubrica et putrida labes luxuriæ, et antiqui hostis corpori adunavit. Nomen quoque Christi per te blasphematur, et sacra Scriptura propter te, qui ore abominabiliter polluti corporis eam doces, a pluribus abominabilis reputatur; tu es cleri spectabilis macula; theologorum ignominiosa verecundia; inimicis theologiæ gaudium et lætitia; totius plebis derisio, canticum, et fabula. *Quomodo obscuratum est aurum* sapientiæ tuæ, *mutatus est color optimus* pristinæ conversationis tuæ? Redi ad cor tuum, quæso, redi. Considera teipsum quam vilis[2] es corpore, quia nec fortis robore, nec multum speciosus decore, confractus morbis et multo varioque labore, confectus senio, canus capite, rugosus facie, propinquus fossæ; et hujus considerationis aqua extingue sulphureum illum flatum maligni spiritus, in te accensum rogum luxuriæ. Accedat huc recordatio professionis tuæ; versa frequenter præ oculis susceptum ordinem sacrum, cui adnexum est castitatis votum; versa susceptum regimen animarum, cui adnecti debet castitatis exemplum. Recogita quod sa-

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[1] *N.*] blank in C.C.C. | [2] *quam vilis*] quoniam nullus, Sid.

crarum Scripturarum es doctor et expositor, crucis Christi prædicator; et quam non congruat his officiis ignominiosus scortator. His adicias præcipue quæso, gehennæ timorem et voluptatis suavitatum cælestium amorem; omnibus in unum congestis extingue fœtentem illum luxuriæ ardorem. At forte dices quod[1] nimium[2] credulus sum famæ, obiciesque mihi illud, *Qui cito credit, levis est corde.* Ad quod respondeo quod hæc fama vel potius infamia recens non est, sed longo transacto tempore, auribus etiam invitis clamose insonuit; hæc per terram longe lateque repit, per aëra volitat, caput inter sidera condit cælumque pulsat; quæ si falsa esset (quod utinam esset) non posset tamen tam clamosa fuisse, nisi exorta ex specie mala; cum e contra tot et tantis dotatum sapientiæ dotibus deceat non solum a malo, sed *ab omni specie mala*[3] secundum vocem Apostoli, *abstinere.* Si igitur verus est hujus famæ clamor tantus, satage, te quæso per Christum crucifixum, de cætero sanctæ conversationis merito, culpæ maculam abstergere et ora maledicorum obstruere luce bonorum operum, præteritæ conversationis tenebras fugare et odore bonæ opinionis, fœtorem qui præcessit eliminare. Si vero falsus est, quod utinam sit, speciem malam, unde ortus est, præcingens sicut vir lumbos tuos extermina, *conversationem tuam* de cætero *inter gentes habens bonam, ut in eo quod detractant de te tanquam de malefactore, ex bonis operibus* de cætero *te considerantes, glorificent Deum in die visitationis.* Hujus itaque paginæ amarum poculum rogo te totis caritatis visceribus, quatenus amanter ac per hoc suaviter et salubriter bibas; et ego tibi impositæ voluptatis illecebrosæ amaram et famosam dulcedinem amaro animo

Ecclus. xix. 4.

1 Thess. v. 22.

1 Pet. ii. 12.

[1] *quod*] quia, Sid.
[2] *nimium*] nimirum, C.C.C.
[3] *mala*] mali, Sid.

bibo. Nec hæc monita respuas quia te minor sum et imperitior et fortasse gravioribus morbis ægrotantior; quia frequenter medicus imperitior et ægrotantior peritiori et minus ægrotanti poculum salutis propinat; nec potest esse non salubris fructus, qui de radice pullulat caritatis. Bibe igitur non solum suaviter, sed etiam avide poculum hujus amare reprehensionis, ut ego aliquando hauriam in gaudio poculum tuæ in virum novum commutationis. Vale in Christum, ut audeam[1] aliquando subscribere, vale in Christo.

XI.

1235. *Robertus divina permissione Lincolniensis electus, dilecto sibi in Christo magistro Michaeli Beleth salutem et sinceram in Domino dilectionem.*

Thanks for his interest in his affairs, and for his rebukes. He has refused to institute to a cure of souls an illiterate person presented to him by a monk.

Benevolentiæ dilectionis vestræ, qua soliciti estis de processu et successu negotii mei, gratiarum actiones multiplices refero et affectuosas. Multipliciores tamen et magis devotas et affectuosas ago gratias quod me in misericordia et dilectione corripere et increpare voluistis super correptione et increpatione mea, quæ, ut creditur et videtur a multis, modum et moderamen excessit. Hæc enim vestra increpatio et correptio de radice caritatis pullulavit; nec potest esse fructus malus, qui de tam bona nascitur radice. Hoc autem obsecro caritatem vestram per caritatem illam qua Christus voluit pro nobis mortem crucis subire, ut quotiescunque noveritis vel audieritis de me aliquid indecens vel noxium, falce correptionis curetis illud resecare; non enim contristabit sed multiplicabit[2] me vestræ correptionis medela. Scio enim quod

[1] *audeam*] audiat, C.C.C. | [2] *multiplicabit*] multificabit, C.C.C.

scriptum est: *Qui increpationes odit, erat;* et Prov. x.17.
iterum: *Qui odit increpationes, insipiens est;* qui Prov. xii.1.
autem acquiescit arguenti, glorificatur. Non autem Prov. xiii. 18.
excessum et immoderamen correptionis meæ excusando, sed vestram et aliorum sapientium discretionem judicem statuendo, ab ea diffinitivam expectans sententiam, in hunc modum allego. Monachus quidam præsentavit mihi ad curam multarum animarum diaconum quendam non tonsuratum, et contra Concilii statuta, pannis rubeis vestitum et annulatum, habitu et gestu laicum, vel potius militem, et, ut conici potuit ex suis responsionibus, fere illiteratum. Monachum autem præsentantem hujusmodi fere verbis, ut recolo, corripui: "Tu, "cum sis monachus profitens perfectionem ex habitu "et voto religionis, ac per hoc tenearis vitam tuam "carnalem exponere morti pro salute animarum, qua "fronte præsentas ad curam animarum talem qui gestu "et habitu evidenter ostendit se magis interfectorem "animarum quam curatorem? sicut enim testatur "beatus Augustinus, Tot mortibus reus est pastor ani- Apparently S.
"marum, quot ejus malo exemplo viso perire possent: Aug., Ser-
"tu das oves lupo, pro quibus tuendis a lupo teneris[1] mo 46.
"animam tuam ponere. Dominus noster[2] Jesus De Pastoribus, § 9.
"Christus pretium totum sanguinis sui, imo totam Opp. v.
"vitam suam morti acerbissimæ et probrosissimæ pro p. 228.
"qualibet et singula anima salvanda et vivificanda "dedit;[3] et tu tantam multitudinem animarum nite"ris tradere cuidam suo pravo exemplo proditori et "mortificatori illarum animarum[4], pro quarum[5] singula "Christus dedit non partem sanguinis sui, sed totum "sanguinem suum; non partem vitæ suæ, sed totam "et integram vitam suam. Ovem quam emisses pro[6] "duodecim denariis non traderes lupo aut corruptori,

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[1] MS. Ox. begins again.
[2] *noster*] om. C.C.C., Ox.
[3] *dedit*] om. C.C.C., Ox.
[4] *animarum*] om. C.C.C.
[5] *quarum*] qua, C.C.C., Ox.
[6] *pro*] om. Sid.

"et animam quam Christus emit pretio sanguinis sui, "quod pretium est incomparabiliter majus universitate "puræ creaturæ,[1] tradere niteris corruptori? Nonne "carior est tibi ovis appretiata duodecim denariis, quam "anima appretiata sanguine Christi? Qui sic vili-"pendis Christum et sanguinis ipsius[2] pretium, nonne "evidenter vadis in infernum?" Hujuscemodi correptione, fateor, me dictum monachum corripuisse. Quæro itaque a vestra et eorum qui Christum diligunt discretione, quid in hac correptione videtur dignum correptione seu livida detractione? Numquid in hac correptione aliquid mendacii insinuavi, numquid veritatem reticendam dixi? numquid ego qui teneor pro qualibet animarum illarum, ad[3] quarum curam seu potius perditionem dictus monachus dictum diaconum præsentavit, reticere debui, et non saltem verbo repellere illarum animarum, quam timui et imminere vidi, perditionem? Numquid non ego reus sum mortis illarum animarum, si morti illarum pro posse non resisto, eamque viribus totis non repello? Numquid non obiciam verum verbum morti animarum, cui obicere teneor sanguinem proprium, et vitam et mortem propriam? Numquid minus veritatis imminenti morti obicere debui, quam nondum repellere potest tota veritas quam opposui? Adhuc enim persistunt tam[4] monachus quam[5] diaconus in suo proposito. Sed forte dicet aliquis, habitus hujusmodi diaconi non est perfectum argumentum quod ipse sit incongruus ad curam animarum. Ad quem respondeo,
Heb. xiii. 17. quod Domini præceptum est, ut *obediamus præpositis nostris.* Inventus igitur in actu ipso transgressionis canonis et concilii, inventus est in crimine

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[1] *puræ creaturæ*] creaturarum, Sid.

[2] *ipsius*] ejus, C.C.C., Ox.

[3] *ad*] om. C.C.C.

[4] *persistunt tam*] persistit non tantum, Sid.

[5] *quam*] quin etiam, Sid.

inobedientiæ[1] qua non solum inobediens est[2] præpositis, sed Deo præcipienti ut obediamus præpositis. Crimen autem inobedientiæ *quasi peccatum est ariolandi, et quasi scelus idololatriæ.* Non potest autem criminosus, animarum crimina curare; ideo dicit Apostolus: *Oportet episcopum,* id est, quemlibet sacerdotem et pastorem animarum, *sine crimine esse.* Sed adhuc dicet, potest pœnitere; et ego dico quod secundum Apostolum, oportet episcopum, id est sacerdotem, *non neophytum* esse; et ideo antequam idoneus sit ad curam animarum, post crimen manifestum, oportet præcedere tempore congruo signa congrua pœnitentiæ. Et sicut dicit beatus[3] Bernardus, ad regimen animarum "non probandos, sed probatos" debemus admittere. Non igitur est, ut videtur, in mea correptione reprehensibilis, aut mendacii insinuatio aut reticendæ veritatis elocutio. An forte non debui palam corripere peccantem palam, cum dicit Apostolus ad Timotheum: *Peccatores coram omnibus argue, ut cæteri timorem habeant.* An forte molliter debui corripuisse errorem vergentem in periculum animarum, cum de talibus errantibus dicat Apostolus ad Titum: *Quamobrem increpa illos dure, ut sani sint in fide?* Ideoque sic Heli sacerdos condemnatus est, quia filios suos peccantes nimis[4] molliter corripuit. Errores qui non vergunt ad interitum animæ, corripi possunt molliter et ferri patienter; sed mortale virus non molliter exprimit sapiens medicus. Cum igitur neque dicta correptio, neque correptionis modus a regula Scripturæ videatur discrepare, videtur mihi quod correptores, et reprehensores dictæ correptionis, quæ, Deo teste, processit ex dilectione salutis animarum et timore magno perditionis earum, salva eorum reverentia, plus curant *quæ*

1 Sam. xv. 23.
Tit. i. 7.
1 Tim. iii. 6.
S. Bernard. De Consideratione, iv. § 11, Opp. i, col. 1063.
1 Tim. v. 20.
Tit. i. 13.
1 Sam. iii. 13.

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[1] *inobedientiæ*] obedientiæ, C.C.C., Ox.
[2] *est*] om. C.C.C., Ox.
[3] *beatus*] om. C.C.C.
[4] *nimis*] minus, C.C.C.

Philipp. ii. 21. *sua sunt, quam quæ Jesu Christi;* plus lac et lanam, quam ipsas oves; *lucem ponunt in tenebras, et tene-*
Isa. v. 20. *bras in lucem*[1]*; malum dicunt bonum, et bonum*
Amos vi. 6. *malum; nihil patiuntur super contritione Joseph:* qui si essent veri amatores Jesu Christi, non me, sed mecum in hac parte corriperent; non me, sed mecum in hac parte damnarent; non me morderent, sed de luporum morsibus oves mecum eriperent: quod si facerent, proculdubio, quod solus facere nequeo, eas mecum eriperent et salvarent; quod quia non faciunt, sed etiam[2] meum tantillum conatum impediunt, timeant se futuros reos mortis ovium[3] in tremendo judicio. Judicet igitur vestra discretio, an apud Deum et zelatores animarum sit tam reprehensibilis ut putatur, mea correptio. Utinam conveniat mihi illud evan-
S. Matt. v. 11, 12. gelicum: *Beati eritis cum maledixerint vobis homines, et persecuti vos fuerint, et dixerint omne malum adversum vos propter me; gaudete in illa die*[4] *et exultate, quoniam merces vestra copiosa est in cœlis.*

XII.

1235. *Venerabili in Christo patri Edmundo Dei gratia Cantuariensi Archiepiscopo, totius Angliæ primati, Robertus eadem gratia Lincolniensis electus salutem, et quam debitam tam devotam cum omni reverentia obedientiam.*

On the place of his consecration. For Cum Apostolus ad Romanos dicat: *Hoc judicate magis, ne ponatis offendiculum fratri vel scandalum,* et paucis interpositis, in eadem epistola subjungat:

[1] *et . . lucem*] om. C.C.C.
[2] *etiam*] et, Sid.
[3] *ovium*] omnium, Ox.
[4] *in illa die*] in illa hora et in illa die, Ox.

Si propter cibum frater tuus contristatur, jam[1] *non* the sake of
secundum caritatem ambulas; noli cibo tuo illum peace he thinks it
perdere, pro quo Christus mortuus est; et in better to be
epistola ad Corinthios iterum dicat idem Apostolus: consecrated at Canter-
Videte ne hæc licentia vestra offendiculum fiat in- bury.
firmis; et paulo post adnectat, dicens: *Si esca* Rom. xiv. 13, 15.
scandalizet fratrem meum, non manducabo carnem 1 Cor. viii.
in æternum, ne fratrem meum scandalizem; liquet 9, 13.
quod in nullo opere per se indifferenti (quod videlicet potest, quantum est de ipso, et sine peccato fieri et sine peccato omitti) ponendum est offendiculum vel scandalum fratri; et ad hoc probandum, ipse etiam Dominus Jesus Christus, doctor et factor veritatis, ne
scandalizaret eos qui didrachma accipiebant, didrachma S. Matt.
solvebat; cum tamen[2] esset non solum liber, sed et xvii. 26.
Veritas liberans a jugo servitutis. Cum igitur, ut veraciter credo, monachi Cantuarienses nulla ratione poterunt induci ut benevole concedant, munus consecrationis mihi impendi alibi quam in ecclesia Cantuariensi, et si alibi contra voluntatem eorum consecrationis munus mihi impendatur, ipsi ad hoc factum, per se indifferens, quasi ad obicem offendentes ruent in puteum iræ, rancoris, et odii et contra factum vestrum appellantes, lites graves et sumptuosas
suscitabunt; cum *servos Dei non oporteat* vel deceat 2 Tim. ii.
litigare, et *omnino delictum sit in quibusdam quod* 24.
judicia habent inter se: ne scandalizemus eos, *per-* 1 Cor. vi. 7.
dentes (quod absit) aliquem infirmum *pro quo Christus* Rom. xiv.
mortuus est, et non secundum caritatem ambulemus, 15.
cum munus consecrationis sine peccato et alicujus offendiculo vel scandalo mihi possit impendi in ecclesia Cantuariæ, ad pedes sanctissimæ paternitatis vestræ humiliter prostratus devotissime rogo, quatenus ad hoc vestræ benignitatis et sanctitatis inclinetis assensum

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[1] *jam*] nam, C.C.C. | [2] C.C.C., Ox. insert *non*.

ut in ecclesia Cantuariæ munus consecrationis mihi impendere velitis; melius est enim ibidem consecrari cum quantolibet rerum temporalium dispendio, quam alibi cum quantolibet rerum temporalium compendio, adjuncto *fratris infirmi, pro quo Christus mortuus est, offendiculo*, cum Veritatis voce testante: *Væ sit homini illi*[1] *per quem scandalum venit.* Forte aliqui *mundi sapientes* hanc meam persuasionem, si audirent illam, reputarent simplicem aut[2] fatuam. Sed credo quod *sapientia quæ de sursum est* reputat eam validam ad movendum omnem animum Dei timore repletum, et prout oportet caventem scandalum; nisi forte mea consecratio aliqua ratione quæ me latet, non possit fieri in ecclesia Cantuariæ absque peccato. Sit igitur in hac parte, pater reverendissime et amantissime, consilium vestrum et meum, non justificationes hominum, sed illud de quo quotidie dicimus: *Et consilium meum justificationes tuæ;* et consimiliter, dicenti, *Si esca scandalizet fratrem meum, non manducabo carnem in æternum, ne fratrem meum scandalizem*, dicamus et nos, si consecratio nostra, vestri videlicet consecrantis et mei consecrationis[3] munus suscipientis, alibi celebrata quam in ecclesia Cantuariæ scandalizat fratres nostros, non celebrabitur alibi consecratio in æternum, ne[4] fratres nostros scandalizemus[5]. Cæterum illud quod audivistis dici, quod quidam de his qui fuerunt mecum apud Cantuariam dixerit[6] verba aspera monachis, comminando quod illis invitis alibi consecrarer, credo veraciter esse figmentum; fuerunt enim, qui mecum aderant, viri valde pacifici et discreti, qui mecum humillimas preces monachis effuderunt.

S. Matt. xviii. 7.

S. Jac. iii. 17.

Ps. cxviii. 24.

1 Cor. viii. 13.

[1] *illi*] om. Sid.
[2] *aut*] et, Sid.
[3] *consecrationis*] obsecrationis, C.C.C.
[4] *ne*] nec, C.C.C., Ox.
[5] *scandalizemus*] scandalizaremus, C.C.C.
[6] *dixerit*] dixit, Sid.

XIII.

Robertus Dei gratia Lincolniensis electus dilecto sibi in Christo magistro W. de Cerda salutem, etc. 1235.

Dilectionis vestræ literas recipimus, continentes quod cum simul nolitis ordinarie Parisius legere et curam animarum habere, præeligitis ad præsens lectioni magis insistere, quam onus curæ pastoralis subire. Ideoque curam animarum, ad quam intuitu salutis earum vos vocavimus, distulistis ad præsens suscipere. Laudamus et approbamus vestrum legendi studium, et disponente Domino pluribus erit fructuosum. Laudamus multo amplius zelum in vobis tam ferventem quod non sineret vos ab ovibus Christi corpore separari; si contingeret ipsas[1] a vobis pascendas suscipi. Verumtamen cum zelus domus Dei tanto fervore vestrum commendat animum, non immerito admiratione dignum est, quod, propter lectionis ad tempus continuandum officium, recusatis perpetuam pastionem animarum; cum illud sit bonum duratione brevius, hoc vero sit bonum diuturnius, ac per hoc secundum artem electionis faciendæ, melius et elegibilius, præsertim cum Dominus dicat Apostolorum principi, Si diligis me, *pasce oves meas;* et nusquam dicit, Si diligis me, lege in cathedra pastoribus ovium mearum. De quo dilectionis signo beatus Gregorius in Pastorali ait: "Si "ergo dilectionis testimonium est cura pastionis, quis-"quis virtutibus pollens gregem Dei renuit pascere, "pastorem summum convincitur non amare." Ne igitur recusata cura separet vos ab amore Pastoris

He exhorts W. de Cerda to give up his lectures in the schools rather than his parochial duties.

S. Joh. xxi. 17.

S. Greg. Reg. Pastoral. I. cap. v. p. 6.

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[1] *ipsas*] eas, Sid.

summi, onus curæ pastoralis humeris vestris sinatis imponi. Credimus pro certo quod non jumenti recalcitrantis more onus excutitis, sed scientes quod nemo sibi assumit honorem, et quod ipsum onerosum est et terroribus plenum non nisi tracti et pulsi invite acceditis ad onus subeundum. Quod tamen cum fuerit assumptum, fortiter et indefesse portandum est. Ne igitur mea sit iniquitas et peccatum, si contingat oves Dominicas curæ vestræ pernecessariæ destitui beneficio, et vos a summi Pastoris amore sitis alieni, ad pedes humilitatis et caritatis vestræ prostratus, tota cordis devotione supplico, exoro, obsecro per aspersionem sanguinis Jesu Christi, quatenus curam animarum, ad quam vos trahit, non solum ego, sed et Christus, qui dedit pro illis et[1] omnibus et singulis totum pretium sui sanguinis, assumere non recusetis. Trahit enim vos Christus, et tota cælestis civitas in funiculis caritatis, pellit vos, urget et stimulat terroribus pœnæ gehennalis, quos terribiliter comminatur his, a quibus cura pastoralis, cum ad eam trahuntur, pertinaciter recusatur. Cum igitur non mediocriter sed fortiter vos trahat mea totis conatibus obsecrans devotio, Christi caritas, zelus animarum, secundum regulam beati Gregorii, licet regimen animarum ex corde fugiatis; obedire tamen ad illud suscipiendum debetis inviti. Dominus Jesus Christus de sinu Patris descendit in uterum Virginis, et mortem subiit crucis pro animabus salvandis; et vos trepidatis de cathedra magistrali descendere, ut illas pascatis verbo, exemplo, et oratione, pro quibus Dei Filius non dubitavit manibus tradi nocentium, et crucis subire tormentum. Quod si compellit vos necessitas vitandi scandali, ad præsens assumere officium legendi, sicut vestra insinuavit pagina; neque hoc obstare debet quo minus

S. Greg. Reg. Pastoral. I. cap. vi. p. 7.

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[1] *et*] om. Sid.

curam ad quam trahimini recipiatis. Licet enim non essetis detenti legendi officio, non possetis in dicta cura præsentialiter stare, ante festum beati Michaelis proximo venturum. Igitur usque ad illud tempus vestras poteritis lectiones continuare, sublato timore de defectu absentiæ vestræ. Si vero delectat vos vobisque expediat per dimidium annum vel per annum ulterius legere, ego bona fide promitto, quod defectum absentiæ vestræ quoad prædicationis officium per idoneos prædicatores interim curabo supplere.

XIV.

Viro venerabili et in Christo carissimo Fratri Alardo, priori provinciali Fratrum Prædicatorum in Anglia, Robertus miseratione divina Lincolniensis Episcopus salutem et sincerum caritatis affectum. 1235.

Compertum[1] est apud me[2] vestræ sanctitatis votum salutem animarum omnibus caritatis visceribus desiderare, omnibus conatibus ad illam anhelare, omnibus laborum sudoribus illam procurare. Ideo non multis opus est persuasionibus ad vos permovendum ad aliquid quod proficit in salutem animarum. Promptam enim in hac parte, quæ tractu et[3] impulsu non eget, habetis voluntatem. Persuasibilibus igitur verbis supersedeo in petitione mea præsentibus inserta et caritati vestræ directa, quia exaudita non mediocriter in salutem proficiet animarum. Est autem mea petitio, ut vestræ sanctitatis devotio concedat, et concedendo, si placet, literas vestras injungat, quatenus frater

A request that he may have John de St. Giles and Geoffrey de Clive with him for a year.

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[1] *Compertum*] Certum; C.C.C., Ox.

[2] *me*] om. C.C.C.

[3] *et*] aut, C.C.C., Ox.

Joannes de Sancto Egidio, qui circiter instans festum Sancti Michaelis venturus est in Angliam, et frater Galfridus de Clive saltem per annum proximo futurum corporali præsentia lateri meo adhæreant, in his quæ ad salutem animæ meæ et gregis mihi indigno commissi pertinent, veraces consiliatores et efficaces coadjutores, qui meam sustineant infirmitatem, supportent imbecillitatem, sublevent debilitatem, suffulciant[1] me vacillantem, sustollant titubantem, erigant corruentem, animent trepidantem, stimulent pigritantem, mores meos et familiæ meæ corrigant, errata deprehendant et dirigant, si qua laudabilia confirment. Et licet ut[2] supradixi, non opus sit ad vos in hac parte persuasionibus, cum res petita evidenter contineat profectum animarum, simili modo nec opus sit precibus, æstuans tamen[3] desiderium meum non sinit preces non effundere. Provolutus igitur et prostratus ad vestræ sanctitatis pedes, omnibus desiderii visceribus quanta possum humilitatis devotione suppliciter oro, obsecrans et adjurans *per viscera misericordiæ* Domini nostri Jesu Christi, *in quibus visitavit nos oriens ex alto* et per aspersionem sanguinis Ejusdem,[4] ut preces meas in hac parte non repellatis, neque inexauditas dimittatis.

S. Luc. i. 78.

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[1] *suffulciant*] suffulceant, Ox.
[2] *ut*] om. C.C.C.
[3] *tamen*] om. C.C.C., Ox.
[4] C.C.C. inserts "et per beatissimam matrem ejus et compassionem illam qua suam ipsius animam pertransivit gladius."

XV.

Viris venerabilibus et in Christo sibi dilectissimis Fratri Alardo, priori provinciali Fratrum Prædicatorum in Anglia, et diffinitoribus in capitulo celebrando apud Eboracum, Robertus divina miseratione[1] *Lincolniensis Episcopus salutem et sinceræ caritatis affectum.* 1235.

Quia ex debito officii mihi licet indigno impositi, ad emundationem domus Dei arctius astringar, nec in isto opere vel ad modicum proficere valeam sine vivacibus et fortibus coadjutoribus, nec possunt inveniri tam efficaces in hac parte coadjutores, quam inter fratres ordinis vestri, quos *zelus domus Dei comedit,* et ad emundandam[2] illam a sordium abominationibus vehementer urget et stimulat, vestram totis devotionis visceribus humiliter ad pedes caritatis vestræ prostratus exoro sinceram dilectionem, quatenus petitionem meam quam pro habendis mecum aliquamdiu fratribus Joanne de Sancto Egidio et Galfrido de Clive, fratri Alardo Priori provinciali alias direxi, per eundem vobis plenius exponendam, benigne si placet exaudire dignemini; addentes eisdem aliquem tertium de fratribus vestris, qui in juris civilis et canonici peritia fuerit probatus et exercitatus, cujus possum sano et incorrupto uti secretius consilio, in tot dubiis casibus incessanter emergentibus, et in tanta jurisperitorum hominum secularium, nutante et incerta varietate. Valete in Domino[3].

A request that the same persons may be sent him, and also a third skilled in Canon and Civil Law.

S. Joh. ii. 17.

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[1] *miseratione*] permissione, C.C.C., Ox.

[2] *emundandam*] emendandum, C.C.C., Ox.

[3] *Valete in Domino*] om. C.C.C., Ox.

XVI.

1235. *Viro venerabili et in Christo sibi dilectissimo Fratri Johanni de Sancto Egidio, ordinis Fratrum Prædicatorum, suus Robertus, divina permissione Lincolniensis Episcopus salutem et sinceræ caritatis quantam habet dilectionem.*

S. Joh. ii. 17. A summons to John de St. Giles to preach in his own country.

Novimus quod *zelus domus Dei vos comedit*, et desiderium illius ædificandæ vehementer accendit. Suppetit quoque vobis non mediocriter sed eminenter ars ædificatoria; restat ergo ut ibi libentius ac citius exerceatis artis hujus officium, ubi per artis exercitium citius exurgere creditur cælestis domus ædificium. Hoc autem per vos in terra nativitatis vestræ, ni vehementer fallamur, efficacius quam alibi compleri poterit. Nec opus est, ut vestræ prudentiæ nitamur hoc rationibus persuadere; ipsa enim sibi ipsi hoc
Rom. i. 14. persuadebit facillime. Cæterum cum omnibus sitis debitores evangelizandi verbum salutis, maxime tamen illis, qui per vinculum ejusdem nationis vobis astricti sunt quodam fœdere fraternitatis. Ideo et Apostolus,
Rom. ix. 3. ut scitis, specialiter optat *anathema esse a Christo pro fratribus suis cognatis sibi secundum carnem*, videlicet Israelitis. Adhuc ut firmiter credimus, non est usquam ab aliquibus mortalibus vestra præsentia tantum desiderata, quantum a nobis et a vestris familiaribus dilectissimis [1] apud nos commorantibus; nec est aliquis episcoporum qui tantum vestro indigeat auxilio in prædicando salutis verbo, quantum ego, qui præ aliis quos novi oneratus sum curæ pastoralis onere maximo. Cum igitur vester labor in

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[1] C.C.C. inserts *vestris*.

natione vestra dinoscatur fructuosior, et obligatio ad hoc ratione[1] cognationis sit arctior, et affectatio dulcedinem præsentiæ vestræ desiderantium sit ardentior, meique indigentia[2] copiosior, ad humilitatis vestræ pedes prostrati totis exoramus desiderii visceribus quatinus ad nos nobiscum commoraturi coadjuratores nostri in erogando pane verbi divini, velitis accedere; et hoc si placeat[3] faciatis propter instantem necessitatem, cum quanta commode poteritis festinatione. Valete in Christo Jesu Domino nostro[4].

XVII.

Robertus Dei gratia Lincolniensis Episcopus dilecto in Christo filio Willelmo de Raleger, Thesaurario Exoniensi, salutem, gratiam, et benedictionem. 1235 [?].

He excuses himself for not appointing W. de Grana to a cure of souls on the ground of his youth and ignorance.

Recepimus literas dilectionis vestræ, novit Dominus dolorem et anxietatem non modicam mihi generantes, eo quod erga nos, vestri dilectores caritate sincera in Domino, vestri indignationem sine causa rationabili expresserunt. Deum enim et Dominum nostrum Jesum Christum, qui unus et idem est judex et testis, testem invocamus, quod W. de Grana[5] hac ratione sola ad curam pastoralem non admittimus, quod ipse est minoris ætatis et literaturæ minus sufficientis, puer videlicet adhuc ad Ovidium epistolarum palmam porrigens; quali non possemus curam pastoralem committere, nisi transgrediendo regulas sacræ paginæ et reverendas sanctorum patrum constitutiones; sicque nosmet ipsos evidenter ignibus gehennæ condemnantes,

[1] *ratione*] rationem, C.C.C.
[2] *indigentia*] indulgentia, C.C.C., Sid., a manu prima, Ox.
[3] *placeat*] placet, C.C.C., Ox.
[4] *nostro*] om. C.C.C.
[5] *Grana*] Gravel, C.C.C.

ipsique puero et fautoribus suis in hac parte occasionem condemnationis[1] præstantes cum animarum curæ suæ committendarum gravi discrimine; quod nisi angustia temporis ad scribendum impediret, evidentibus auctoritatibus ostendere non gravaremur. Hoc igitur vestræ dilectioni et dicto puero et animabus, quibus velletis eum præfici, non admittendo eundem ad curam pastoralem, præstamus, quod medicus præstat febricitanti, dum ferventi febrili calore denegat haustum aquæ frigidæ; et quod præstaret aliquis paralytico, dum denegaret ei gubernaculum navis in procella tempestuosi maris et quod sublevans a lapsu præstaret seipsum præcipitare volenti.

Caveat igitur vestra dilecta discretio, ne reddat mihi *malum pro bono et odium pro dilectione mea,* Ps. cviii. 5. quia testis est Spiritus Dei spiritui mei peccatoris, quod ex sincera caritate salutis vestræ et dicti pueri et animarum curæ, mei indigni commissarum, dictum puerum ad curam pastoralem in ejus et nostri discrimen non admitto. Scribitis quoque in calce literarum vestrarum, quod ad appellationis remedium recurretis[2], nisi meæ novitati vestra gratia parceretis. Ad quod respondeo, quod teste Domino multum mihi placeret vestra appellatio et per appellationem ecclesiæ, ad quam dictus puer præsentatus est, adeptio; nisi[3] merito tamen timeri posset in hoc animæ illius et vestræ perditio. Et ne credat vestra dilectio me ingratum esse vestræ dilectioni et quam plurimis et magnis beneficiis a vestra liberalitate vestri gratia receptis, paratus sum et jampridem paratus fui, testibus fratre Rogero Bacun et fratre Adamo[4] et magistro Roberto de Mariscis et magistro Thoma

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[1] *condemnationis*] damnationis, Sid.
[2] *recurretis*] recurreretis, Sid.
[3] *nisi*] ubi, Sid., Ox.
[4] *Adamo*] Ant., Sid.; A. the other MSS.

Walensi et magistro Joanne[a] archidiacono Leircestriæ, conferre dicto puero intuitu dilectionis vestræ, decem marcas annuas de camera nostra, donec per me vel per alium in uberiori beneficio ecclesiastico vel alio eidem fuerit provisum, propriæ manus subscriptione. Affectuose rogo vestram dilectionem quatinus prædictum censum annuum, licet sit modicus, quia melius est modicum justo super divitias peccatorum multas, prædicto W. de Grana cum vestræ dilectionis beneplacito percipere permittatis; ad pedes etiam vestros provolutus omnibus animi mei visceribus exoro, ut nulla[1] occasione recedat animus vester a me vestro diligendo, quia per Dei gratiam neque mors neque vita separabit mea diligendo vos in Domino.

[a] John de Basingstoke.

XVIII.

Viro venerabili magistro Joanni Romano, Subdecano Eboraci, Robertus divina permissione Lincolniensis Episcopus salutem et sincerum caritatis affectum. 1235 [?].

Against putting out livings to farm.

Recepimus literas[2] venerabilis viri domini Boetii, domini papæ nuncii et familiaris, pro vobis supplicatorias, quatinus permitteremus vobis liberam dispositionem ecclesiæ vestræ de Chalgrave. Cum itaque dispositio sit non pro voluntatis motu, sed secundum rationis non errantem discretionem ordinatio, paratissimi sumus, et[3] annuente Domino erimus, non solum vobis speciali dilectione nobis conjunctis, sed et[4] omnibus aliis ecclesiarum rectoribus in nostra diœcesi constitutis, liberam ecclesiarum suarum dispositionem concedere; imo ad libere disponendum de

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[1] *nulla*] illa, C.C.C.
[2] C.C.C. inserts *vestras*.
[3] *et*] om. C.C.C., Ox.
[4] C.C.C. inserts *in*.

illis volumus[1], sicut et pro officii nostri debito debemus, eosdem si aliter ab eisdem præsumatur compellere. Verumtamen certissimum debet esse discretioni vestræ, quod ecclesiæ datio ad firmam non est ejusdem libera dispositio, sed est potius et veracius liberæ sponsæ Jesu Christi in servilem conditionem redactio, "nisi "forte," sicut continetur in Concilio provinciali, "justa "causa subfuerit, et ab episcopo loci approbata, et alicui "honestæ et ordinatæ personæ detur ad firmam de quo "verisimile præsumi debeat quod fructus ecclesiæ in "bonos usus convertat;" et consensus diœcesani interveniat[2]. Nec debet diœcesanus suum assensum præbere[3], ubi constat alteram vel utramque conditionum reliquarum in Concilio contentarum non subesse. Quod autem ex parte vestra sit justa causa dandi ecclesiam vestram ad firmam, excogitare non possumus, quia necessitas residendi[4] alibi non aufert vobis facultatem prudentis et fidelis œconomi, nec sunt viri religiosi interpretandi una persona honesta et ordinata, ut eis possit tradi firma ecclesiæ, secundum formam Concilii. Præterea viri religiosi per omnia opera sua debent mundi contemptum prædicare; cum per firmas evidenter prædicent contrarium, in magnum religionis et animarum multarum periculum[5] et grave dispendium. Si igitur tali firmæ consentiremus, manifeste incurremus vitium inobedientiæ, agentes contra Concilium. Essemus enim proditores animarum quarum salus esse debemus, et pro quarum salute vitam morti debemus; consentientes earum peccato, non impediendo illud neque obsistendo, cum obsistere et impedire valeamus. Quia igitur tanti viri tam prudens dis-

Concil. Oxoniense. A.D. 1222. Cap. xxxvi. Wilkins i. p. 591.

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[1] *illis volumus*] aliis voluimus, C.C.C.; aliis volumus, Ox., C.C.C$_2$.
[2] *interveniat*] introveniat, Ox.
[3] *præbere*] om. C.C.C.
[4] *residendi*] recedendi, Sid.
[5] *periculum*] om. C.C.C., Ox. Sid. inserts *grande* before *periculum*.

cretio non vult aliquid peccare, nec agendo nec consentiendo, vestram[1] dilectam in Domino exoramus suppliciter benignitatem, quatinus intuitu Jesu Christi qui sanguine suo ecclesiam redemit et liberavit, ad liberationem animæ nostræ et vestræ et multarum aliarum, prænominatam ecclesiam de cætero non detis ad firmam; scituri[2] quod si in hac parte de cætero perniciosum aliis dederitis exemplum, secundum probationem beati Augustini in libro de Pastoribus, tot v. p. 51. mortibus eritis rei, quot erunt cognitores hujus exempli vestri. Hoc insuper vestræ dilectionis discretionem volumus[3] non latere, quod parati sumus ad obsequia vestra dulciter et efficaciter prosequenda, in quantum possumus sine veritatis vice[4] offensa; sed quantumcunque nobis sitis amici, semper per Dei gratiam amicior nobis erit veritas, quod et vos vultis, qui veritatem vobismet ipsis plus diligitis. Ad hæc scripsit nobis prædictus dominus Boetius in prædictis literis suis, multos mirari eo quod dictæ ecclesiæ firmam revocavimus, pro nostræ (ut dicit) voluntatis arbitrio. Adjunxit etiam per insinuationem quasdam minas, ad quas[5] breviter respondemus, quod nisi hujusmodi firmas revocaremus, multo plures admirarentur, omnes videlicet in excelsis, cives cælestes et in terris homines bonæ voluntatis. Nec hoc fecimus pro voluntatis arbitrio, sed ductu rationis ex Concilii statuto. Nec timemus, adjuvante Illo qui nos hoc docuit, minas hominum, quorum est potestas maxima corpus solum occidere, sed Illum tantum *qui potest corpus et animam* S. Matt. x. 28. *mittere in gehennam.*

[1] *vestram*] vestramque, Sid.
[2] *scituri*] scitote, Sid.
[3] *volumus*] nolimus, Ox.
[4] *vice*] jure, Ox.; vita, Sid.
[5] *quas*] quæ, Ox., Sid.

XIX.

1236 [?]. *Viro venerabili in Christo carissimo magistro Johanni Blundo, Cancellario Eboraci, Robertus divina permissione Lincolniensis ecclesiæ minister humilis salutem et sinceræ dilectionis semper augmentum.*

His apology for not admitting a relation of the chancellor of York to a living.

Licet lex amicitiæ res etiam quæ videntur impossibiles ad possibilem redigat facultatem, et quælibet adversa pro fœdere dilectionis non rumpendo cogat fortiter hilariterque tolerare; non vult tamen ejusdem legis sinceritas aliquid peccatum aut inhonestum pro se perpetrari, nec ullo modo stat nomen et res amicitiæ, ubi quis intuitu quasi amicitiæ præsumit aliquid inhonesti committere. Ideoque certum [1] et fixum debet esse inter nos, neutrum nostri quia amicitiæ fœdere ex longo tempore sumus astricti, velle reliquum pro se committere vel minimum inhonestum. Hoc igitur de vestræ dilectionis sinceritate præsumens, spero quod nullam erga me concipiet indignationem vestræ dilectionis sinceritas eo quod N. clericum cognatum vestrum ad ecclesiam de B. [2] non admisi; cum ejus admissio macula peccati carere non possit, præcipientibus canonicis sanctionibus, quod non admittantur ad curam pastoralem insufficienter literati; ipsoque prædicto N. existente insufficienter literato, ne dicam fere omnino illiterato. Et ne ejusdem ignorantia vestræ discretioni sit occulta, responsiones quas respondit examinatus, mitto vobis inclusas, rogans humiliter et obnixe tota mentis affectione, quatinus vestræ dilectionis sinceritas erga me vestram ob causam

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[1] *certum*] ratum, Sid. | [2] *B.*] om. C.C.C., Ox.

prætactam non minuatur, nec vultus vestri lumen ad me obtenebretur; experiaturque rogo meum erga vos affectum assumptio propter vos rei periculosæ per malum pœnæ, non per malum culpæ; hæc est enim lex amicitiæ, ut non refugiatur pro amico alicujus pœnæ susceptio. Nulla tamen culpa committatur pro amico: unde nec inter malos potest esse amicitiæ copulatio.

XX.

Suo Adæ de Marisco suus indignus et peccator Episcopus, salutem et se. 1236 [?].

Diligentiæ et laboris tui mercedem retribuat tibi bonorum omnium retributor. Nec erit labor tuus tam pius tibi casus, sed æternaliter fructuosus, qualemcunque quoad me sortiatur effectum. Confidens etiam de benedicti Salvatoris misericordia et beatissimæ Genetricis ipsius precibus, spero quod[1] labor tuus, etiam quoad me, prosperum obtinebit effectum. Quod enim nobis decurrentibus cum tempore videtur longum diuque dilatum, apud stantes cum æternitate plerumque præproperum est vel acceleratum. Cæterum tuæ sanctissimæ, et[2] dulcissimæ, efficacissimæque persuasioni, quæ utinam in mea duritie a te intentum imprimat effectum, non quantas debeo vel volo, sed ad pedes sincerissimæ dilectionis tuæ provolutus, quantas et quales valeo, gratiarum actiones refero. In ipsa namque persuasione te solum expertus sum veracem amicum, fidelem consiliarium, respicientem veritatem non vanitatem, imminentem solido et firmo fulcimento, non vacuo et fragili baculo arundineo. Juvent[3] igitur

Answer to A. de Marisco's letter. He hopes to see him soon, being anxious for his advice on various points.

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[1] *quod*] om. C.C.C., Ox.
[2] *et*] om. Sid.
[3] *Juvent*] Invenit, C.C.C.

tuarum sanctarum orationum suffragia pia, ut mihi sit persuasum, quod tam sancto et efficaciter persuades; ut ipsum etiam quod persuasum fuerit, ab effectu in opere, nullo impediatur antiqui hostis vel membrorum ipsius fallaci molimine, ne unquam compellar hostibus veritatis et ministris iniquitatis dextras dare. Juvent[1] etiam eademque[2] tua sanctorumque omnium in terris et in cælo pia efficacissimaque suffragia, ut illa de quibus in corde epistolæ tetigisti conviciantium[3] tonitrua, insidiantium murmura, detrahentium convicia, Ephes. vi. 16. velut inimici ignita jacula, scuto fidei et patientiæ humiliter confidenterque excepta, in torquentes eadem reflectantur, vulnerentque eosdem non ad perniciem sed ad salutem, ut infixo vulnere aperto, sedatoque inflationis tumore, revelato mentis oculo, videant veritatem, redeantque ad caritatis unitatem. Præter hæc in epistola tua quasi te timere insinuas, ne forte occasione aliqua, tuæ epistolæ mihi sint molestæ vel onerosæ; quem timorem longissime a te cupio distare, cum nihil in humanis rebus post tuum præsentiale sanctissimum colloquium, quam per epistolas tuas consolatio, sit mihi tam jocundum. Rogo autem dulcissimam dilectionem tuam, ut, non retractus horrore laboris, quam cito locutus fueris cum fratre Joanne de Sancto Egidio, venire digneris ad me apud Liddington, ut tuo possim uti consilio, in petitionibus et consultationibus ad curiam transmittendis. Emerserunt enim quædam nova præter concepta prius, quæ etiam nunc scribere longum esset[4], et communicare cum pluribus non mihi satis securum. Sunt quoque et alia plurima eademque urgentia, in quibus non mediocriter tuo festinato indigeo consilio. Cætera

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[1] *Juvent*] Juant, C.C.C., Ox.

[2] *eademque*] eadem, C.C.C., Ox.

[3] *conviciantium*] comminantium, C.C.C., Ox.

[4] *esset*] om. C.C.C.

de quibus in epistola tua tetigisti, juvante Domino, progressu prospero perficientur. Multo autem tam solatio quam auxilio destitutus sum, eo quod frater Garinus revocatus est, nec aliquem vel de fratribus vestris vel prædicatoribus mecum habeo. Necdum recepi responsum petitionis meæ, de habendis mecum fratribus prædicatoribus, factæ Priori provinciali [a] et diffinitoribus in capitulo celebrato apud Eboracum in Exaltatione sanctæ crucis. Tu autem pro Christo efficaciter procures, ut aliquos fratres vestri ordinis mecum habeam, cum eorum præsentia mihi et ecclesiæ maxime sit necessaria. Valeat in Christo tua sincera dilectio. Hanc paginam tecum ad me reportes et vale [1].

[a] Martin de Barton [?]. Sept. 14. He is anxious to have some friars minors with him.

XXI.

Robertus Dei gratia Lincolniensis Episcopus dilectis in Christo filiis, universis Archidiaconis per episcopatum Lincolniæ constitutis, salutem, gratiam [2], et benedictionem. 1236 [?].

Noveritis quod dominus rex nuper apud Northamptoniam ad brevem et levem exhortationem benigne assensum præbuit, appropriavit, et concessit, ut mercatores de cætero in nundinis suis apud Northamptoniam nullas merces exponant venales, nec emant vel vendant in ecclesia vel in cœmeterio Omnium Sanctorum apud Northamptoniam; ipsemet in hac parte allegans quod Dominus ejecit ementes et vendentes de templo. Præcepit quoque in dictis nundinis voce præconiali declamari, quod mercatores de cætero ad easdem nundinas, nullas negotiationes exercere præsumant.

The king's regulations respecting the fair at Northampton.

[1] *et vale*] om. C.C.C., Ox. | [2] *gratiam*] om. Sid.

Credimus autem quod dominus rex eadem devotione et benignitate gratum habebit, si alibi etiam secundum formam evangelii ementes et vendentes a locis sacris arceantur. Cum igitur ad episcopale pertineat officium ad imitationem Domini nostri Jesu Christi a locis sacris ementes et vendentes eicere et arcere; ne nos, qui tenemur ferventius zelare pro domo Domini, inveniamur in hac parte tepidiores dignique *evomi ab* Rev. iii. 16, 14. *ore Ejus qui est testis fidelis et verus et principium* 1 Macc. iv. *creaturæ Dei;* et ne nos qui cum Juda Machabæo tenemur domum Domini ab omni[1] abominatione S. Matt. xxi. 13. purgare, *domos* et loca *orationum faciamus* per consensum *speluncam latronum,* quia malo consentit, qui cum possit prohibere et impedire non impedit; vobis mandamus, quatenus in omnibus monasteriis et parochialibus ecclesiis archidiaconatus vestri, faciatis auctoritate nostra firmiter præcipi, ne quis de cætero præsumat in salutis suæ dispendium contra formam evangelicæ doctrinæ in locis sacris merces venales exponere vel negotiationes exercere. Providentes ut hoc mandatum, cum non sit ex homine sed evangelicum, diligenter observetur, contradictores et rebelles per censuram ecclesiasticam compescendo. Valeatis[2], etc.

No goods to be exposed for sale in sacred places.

XXII.

1236. *Robertus Dei gratia Lincolniensis Episcopus, dilectis in Christo filiis, universis Archidiaconis per episcopatum Lincolniæ constitutis, salutem, gratiam, et benedictionem.*

Against various abuses in

Quia ad pastoris spectat officium his qui ignorant et errant condolere, et gregem sibi commissum *pervigilare*

[1] C.C.C. and Ox. insert *et*. | [2] *Valeatis*] Valete, Sid.

quasi rationem pro gregis animabus redditurum, ipsumque gregem *pascere*, sicut in Jeremia scriptum est, *scientia et doctrina;* nos hæc attendentes, et his qui in grege nobis licet indignis, Domino disponente[1], commisso, ignorant et errant, pro posse nostro cupientes mederi, quosdam eorum perniciosos errores per devium, tenebrosum, et lubricum ad inferos deducentes, præsenti paginæ duximus inserendos, quosdam vestro ministerio per archidiaconatus vestros populo ignoranti et erranti declarandos et dissuadendos, quosdam vero prohibendos et censura canonica compescendos. Et quia frustra contendit alia vitia subjugare, qui gulam et ebrietatem non suppeditaverit, imprimis firmiter injungendo præcipimus, ut compotationes, quæ vulgo dicuntur *Scotales*, tam in synodis quam in capitulis vestris prohibeatis, et per singulas ecclesias archidiaconatuum vestrorum per singulos annos pluries prohiberi faciatis, et contra prohibitiones canonice præmissas venire præsumentes ecclesiastica censura compescatis, animadversione canonica eosdem percellentes. Sicut enim scriptum est: *Vinum*, id est, omne quod inebriat, *multum potatum, irritationem et iram, et ruinas multas facit; amaritudinem animæ, et impudentem offensionem, minorans virtutem, et faciens vulnera;* deformat insuper in homine Dei imaginem usum rationis auferendo, ligat actus naturales, morbos inducit pessimos, vitam abbreviat, principium est apostasiæ, aliaque mala procreat innumera. Ad extirpandam igitur tantorum malorum radicem remissi esse non debemus qui ad hujusmodi evellendum et[2] destruendum et[3] disperdendum et dissipandum constituti sumus. Ad hæc adicientes[4] præcipimus, ut secundum formam suprascriptam prohibeatis et prohiberi faciatis, contemptores

the diocese of Lincoln.
Heb. xiii. 17.
Jer. iii. 15.
Scotales.
Ecclus. xxxi. 38, 39, 40.

[1] *disponente*] concedente, Sid.
[2] *et*] om. Sid.
[3] *et*] om. Sid.
[4] *adicientes*] sitientes, Brown.

Games. prohibitionis compescendo et puniendo, arietum supra ligna et rotas[1] elevationes, cæterosque ludos consimiles, in quibus decertatur pro bravio; cum hujusmodi ludorum tam actores quam spectatores, sicut evidenter demonstrat Isidorus, immolent dæmonibus, talium ludorum inventoribus et auctoribus, et cum etiam[2] hujusmodi ludi frequenter dent occasiones iræ, odii, pugnæ, et homicidii. Alios autem ludos diebus festivis actos, qui non consueverunt dare fomitem discordiæ, prædicatione salubri faciatis dissuaderi; quia, teste beato Augustino, cum multo minori peccato diebus solennibus nerent et texerent mulieres, et ararent homines, aliaque opera huic[3] vitæ sustentandæ necessaria et utilia facerent, quam hujusmodi otiosis et voluptuosis indulgerent. Dies namque sancti[4] toti debiti sunt obsequiis divinis et operibus sanctis, quæ immediate proficiunt in salutem animarum; a quibus incomparabiliter longius distant ea quæ sunt otiositatis et voluptatis quam quæ sunt necessitatis et utilitatis. Faciatis quoque per frequentem commoneri prædicationem, ut qui conveniunt ad vigilias noctis in vigiliis sanctorum ad eorum ecclesias vel memorias, vel ad exequias defunctorum, ibidem solis vacent divinis obsequiis et orationibus; ne scurrilitatibus, vel ludis, vel forte pejoribus, ut fieri consuevit, intendentes, sanctorum iras in se provocent, quorum venerunt impetraturi suffragia; et ne in defunctorum exequiis de domo luctus et recordationis novissimorum in præcautionem peccaminum, faciant domum risus et jocationis in multiplicationem peccaminum, quorum extrema luctus occupabit æternus et tenebrosa oblivio, quam illustrabit sapientia vel scientia[5] vel ratio. Ab ecclesiis autem et cœmeteriis omnes hujusmodi ludos,

Isidor. Etymolog. lib. xviii. cap. 27. Opp. iv. p. 395.

S. Aug. De decem Chordis. Sermo 9, § 3. Opp. v. p. 19.

Vigils.

Funeral feasts.

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[1] *rotas*] rotarum, Sid.
[2] *et cum etiam*] cum, Sid.
[3] *huic*] om. Sid.
[4] *sancti*] festi, Sid.
[5] *vel scientia*] om. C.C.C.

Games in churches and church-yards.

commonitione præmissa, arceri faciatis ecclesiastica censura; quia loca sancta ab usibus humanis, nedum ab humanis jocis abstracta sunt, et in usus divinos conversa; et qui e contra præsumunt, *de domo* et loco *orationis speluncam latronum faciunt.* (S. Matt. xxi. 13.)

Mothers and nurses overlaying their children.

Faciatis quoque in singulis ecclesiis frequenti prædicatione commoneri ne matres, vel nutrices, parvulos suos in lectis suis juxta se collocent, ne forte eosdem, ut frequenter contigit, incaute suffocent, et inde fiat eisdem mortis occasio, unde putatur vitæ teneræ parari confotio.

Private marriages.

Clandestina quoque matrimonia frequenti prædicatione districte prohiberi faciatis, et pericula quæ inde sequuntur, evidenter et diligenter exponi, ut præcognito mali sequentis periculo, fortius et cautius devitetur ipsius origo.

Parish processions.

Ad hæc, in singulis ecclesiis districtam faciatis fieri inhibitionem, ne ad processiones in annua visitatione, et veneratione matris ecclesiæ aliqua parochia decertet cum vexillis suis alii parochiæ antecedere; cum inde soleant non solum lites, sed crudeles sanguinis effusiones provenire; e contra vero de cætero præsumentes canonica feriatis animadversione; quia hujusmodi decertatores inde matrem ecclesiam violant et inhonorant, unde eam sanctificare et honorare debuerant; nec debent aliquatenus a pœna dimitti immunes, qui matrem spiritalem inhonorant; cum hi qui matres carnales inhonorant, per legem divinam maledicuntur, et morte puniuntur.

Receiving Easter offerings at Mass.

Præterea in quibusdam ecclesiis invenimus hanc pro consuetudine inolevisse corruptelam, quod in die Paschæ non recipiuntur oblationes parochianorum, nisi celebrata missa cum ad[1] sacratissimum Dominici corporis et sanguinis sacramentum veniunt; quam corruptelam de cætero[2] sub gravi pœna faciatis arctius prohiberi, cum grave scandalum turpisque nota cupiditatis

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[1] *ad*] om. C.C.C., Ox.

[2] Brown inserts *recepturi*.

Concil. Oxon. 1222, cap. xxvi. Wilkins i. p. 589.

The sacraments refused when a fee has not been paid.

inde oriatur ecclesiæ prælatis; plurimumque præpediatur devotio populi ad tantum sacramentum accedentis. Ad hæc, quia alicubi invenimus, contra statutum tam generalis quam provincialis Concilii, pro pecunia non soluta denegari sacramenta ecclesiastica et etiam in die Paschæ sacramentum eucharistiæ, ne quis in hac parte quasi per ignorantiam speciem aliquam excusationis prætendere valeat[1], quod in hac parte in Conciliis statutum est, faciatis non solum in synodis, sed etiam in capitulis frequenter recitari, eos qui contra præsumpserint canonica punientes districtione.[a]

[a] Compare the "Constitutiones Roberti Episcopi," below, LII.*

XXIII.

1236. *Robertus Dei gratia Lincolniensis Episcopus dilecto in Christo filio Willelmo de Raleger, thesaurario Exoniæ, salutem, gratiam, et benedictionem.*

1 Cor. xi. 1. Rom. i. 14, 15.

Cum ad imitationem beati[2] apostoli Pauli exhortantis nos *imitatores ejus esse sicut et ipse Christi, Græcis ac barbaris, sapientibus et insipientibus debitor sim, ita quod in me promptum est etiam*[3] *vobis qui* in curia *estis evangelizare;* multo tamen amplius et obligatius astringor tibi in debito prædicandi evangelii, ut habeam in te fructum aliquem operis evangelici et præmii æterni; fungeris enim in curia prærogativo judicis officio, ideoque locum tenes ubi præ cæteris curialibus plus potes prodesse, si, secundum divinum mandatum, *in judicio non acquiescas plurimorum sententiæ, ut a vero devies,* sed *juste quod justum est judices et exequaris;* plus quoque obesse, si contrarium, quod absit, attemptaveris: copularis insuper mihi arctius cæteris in curia degentibus

Exod. xxiii. 2. Deut. xvi. 20.

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[1] *valeat*] om. C.C.C., Ox.
[2] *beati*] om. C.C.C.
[3] *etiam*] et, C.C.C.

filiatione spiritali, dilectione diuturna et speciali, et multiplicis beneficii collatione liberali; tibi igitur, ut supra dixi, præ cæteris debitor sum evangelicæ veritatis, ut consequar in te desideratissimum fructum æternæ salutis. Ne igitur reatum incurram tanti debiti non soluti, hæc subscripta tuæ dilectioni, quam in visceribus caritatis arctius amplexor, evangelizare curavi; nec absterreat te, supplico, licet plurimis occupatum epistolæ prolixitas a sua inspectione, cum prolixitas hæc prodeat de verbi abbreviati, id est, caritatis radice.

On the question of bastards becoming legitimate by the subsequent marriage of their parents.

Quod igitur in primo evangelizans tibi annuncio, hoc est, videlicet quod proles nata ante matrimonium inter parentes ejus contractum, per matrimonium subsequens nanciscitur legitimationem et jus hæreditarium in hæreditate parentum, nisi forte alter vel uterque parentum aliud prius copulaverit matrimonium, quod ante prolis generationem non fuerit solutum; judices quoque qui prolem hujusmodi exhæredant sententialiter tanquam spuriam et illegitimam, in eorum computabuntur numero, quibus dicitur per Amos prophetam: *Qui convertitis in absynthium judicium et justitiam in terra relinquitis;* et iterum per eundem prophetam: *Qui convertistis in amaritudinem judicium et fructum justitiæ in absynthium.* Conditores quoque legis hujus, imo potius corruptelæ legis, ex qua proles nata ante matrimonium spuria et illegitima judicatur, et ab hæreditate abjudicatur, incidunt in illud væ Isaiæ dicentis: *Væ qui condunt leges iniquas et scribentes injustitiam scripserunt, ut opprimerent in judicio pauperes et vim facerent causæ humilium populi mei, ut essent viduæ præda eorum et pupillos diriperent.* Hæc namque lex, qua proles nata ante matrimonium subsequens post contractum matrimonium, velut illegitima exhæredatur, lex est iniqua et injusta, juri naturali et divino, canonico quoque et civili contraria; sicut enim scribit

Amos v. 7.

Amos vi. 13.

Isa. x. 1, 2.

The law disinheriting such, as illegitimate, is argued against as unjust by natural and divine law,

Concil. Lateran. 3. 1179, Pars xxxiii. cap. i. Mansi. xxii. col. 388.

Alexander papa tertius: "Tanta est vis matrimonii, ut "qui antea sunt geniti, post contractum matrimonium, "legitimi habeantur;" vis igitur matrimonii legitimat prolem ante matrimonium natam; matrimonium autem res est naturalis de jure divino et naturali; jus enim divinum et naturale matrimonium constituit; quod autem vis rei naturalis[1] efficit, naturale est; legitimatio igitur, quam vis matrimonii efficit, cum matrimonium sit de jure divino et naturali, est legitimatio naturalis per jus divinum et naturale, de jure divino et naturali, et non est ex gratia dispensationis; legitimitas autem naturalis quæ non est ex gratia dispensationis, per jus divinum et naturale habet successionem in hæreditate. Unde Apostolus ad Romanos ait: *Si autem filii, et hæredes;* et iterum ad Galatas ait: *Quod si filius, et hæres per Deum.* In libro quoque Numerorum referente Moyse causam filiarum Salphaad ad judicium Domini[2], hujusmodi responsum recepit a Domino[3]: *Justam rem postulant filiæ Salphaad; da eis possessionem inter cognatos patris sui, et ei in hæreditatem succedant; ad filios autem Israel loqueris hæc, Homo cum mortuus fuerit absque filio, ad filias ejus transibit hæreditas; si filiam non habuerit, habeat successores fratres ejus; quod si et fratres non fuerint, dabitis hæreditatem fratribus patris ejus: sin autem nec patruos habuerit, dabitur hæreditas his qui ei proximi sunt; eritque hoc filiis Israel sanctum lege perpetua.* Igitur secundum hanc legem quam Dominus dedit per Moysen, proximitas naturalis legitima (non enim de illegitima intendebat Legislator) constituit legitimum hæredem; proles namque per consequens matrimonium legitimata, cum æque sit legitima ut proles post matrimonium nata, quia unius et ejusdem sacramenti eadem et æqualis

Rom. viii. 17.

Gal. iv. 7.

Num. xxvii. 5–11.

[1] *vis rei naturalis*] jus naturale, MS. Trin. ap. Brown.

[2] *Domini*] duci, Brown.

[3] Sid. inserts *Annon.*

vis utramque legitimat, et æque sit proles utraque proles naturalis propter generationem naturalem; non potest esse minus propinqua parentibus quam proles post matrimonium nata; præsertim cum proles possit nasci post matrimonium, quæ fuit ante matrimonium concepta. Per legem igitur naturalem et divinam cum hujusmodi prole non inveniatur propinquior et ad proximos transeat hæreditas, hujusmodi proles in hæreditatem succedit. Qui igitur hujusmodi prolem ab hæreditate abjudicant, contra jus divinum et naturale faciunt, contra quod cuiquam et maxime Christiano nihil licet agere; imo secundum illud omnia sunt agenda, etiam quæ prius non erant facta, aut siqua in contrarium fuerint[1] præsumpta, ait enim Augustinus in libro Confessionum: "Cum Deus aliquid " contra morem vel contra pactum quorumlibet jubet, " etsi nunquam ibi factum est, tamen faciendum est; " et si omissum, restaurandum est; et si statutum non " erat, instituendum est; sicut enim in potestatibus " societatis humanæ major potestas minori ad obedi- " endum præponitur, ita Deus omnibus." Leges itaque principum naturali juri et divino non prævalent; sed[2] si contrariæ fuerint, nulla ratione est eis obtemperandum. Unde Augustinus ad Bonefacium scribit dicens: " Quicunque legibus imperatorum, quæ contra Dei " voluntatem[3] feruntur, obtemperare non vult, acquirit " grande præmium;" in quo e contrario intelligitur, quod qui obtemperare[4] vult, acquirit grande supplicium; item idem[5] Augustinus alibi ait: "*Qui resistit* " *potestati, Dei ordinationi resistit;* sed quid si illud " jubeat quod non debeas facere? Hic sane contemnes " potestatem; si aliud ipse proconsul jubeat, et aliud

S. Aug. Confess. iii. cap. 8. Opp. i. p. 93.

S. Aug. Epist. 185, § 8. Opp. ii. p. 646.

Rom. xiii. 2.

S. Aug. Sermo 62, § 13. Opp. v. p. 362.

[1] *fuerint*] fuerunt, C.C.C., Sid.
[2] *sed*] om. Sid.
[3] *voluntatem*] veritatem in Aug.
[4] *obtemperare*] obtemporale, C.C.C.
[5] *idem*] om. Sid.

"jubeat imperator, et aliud Deus, quid judicatis? "Major potestas Deus est; da veniam, O imperator; "tu carcerem, ille gehennam minatur." Divinæ itaque et naturali legi magis quam imperatoriæ obtemperandum est; ideoque et lex quæ hactenus obtinuit in curia domini regis, ut nati ante matrimonium exsortes fierent paternæ hæreditatis, tanquam divinæ et naturali legi contraria, justitiæque Dei inimica, penitus est abolenda. Alioquin et secundum ipsam judicantes, eidemque auctoritatem et favorem præstantes, obtemperantes quoque qui possunt non obtemperare, et non destruentes eam qui possunt eam destruere, detrudet eadem lex, imo potius constitutio seu consuetudo legis[1], in barathrum ignis gehennæ.

by the analogies of Scripture,

Nec mireris si vis matrimonii natos ante matrimonium legitimet et legitimos hæredes constituat; quia bonum matrimonii, sicut ex divina patet Scriptura potest efficere multo majora et mirabiliora; propter bonum namque matrimonii utraque uxor Jacob, tam Rachel sc. quam Lia, natos habuit liberos et legitimos hæredes viri sui Jacob de utero alieno et servili; habuit enim Rachel de Bala ancilla sua et viro suo Jacob duos filios, Dan sc. et Nephtalim. Non enim mendaciter dixit Rachel ad virum suum Jacob: *Habeo famulam Balam; ingredere ad illam, ut pariat super genua mea, et habeam ex ea filios;* et paulo post nato Dan, ait Rachel: *Judicavit me Deus et exaudivit vocem meam, dans mihi filium;* bonum igitur matrimonii fecit filios naturales alieni uteri filios legitimos ipsius Rachelis, eo quod de marito progeniti erant uxoris legitimæ consensu. Unde in consimili casu ait Augustinus super Johannem de Ismaele: "Mater ejus magis Sara quam Agar; illius "uterus accommodatus; illius voluntas accessit: non

Gen. xxx. 3.

Gen. xxx. 6, 7.

S. Aug. Tract. in S. Joh. xii. Opp. iii. P. 2, p. 384.

[1] *legis*] lex, C.C.C.; et lex, Trin. ap. Brown.

"faceret Abraham quod Sara nollet; magis ergo ille "filius Saræ;" similiter et Lia de ancilla sua Zelpha, quam marito suo tradidit, duos habuit filios, Gad sc. et Aser; hi itaque quatuor filii Jacob de duabus ancillis duarum uxorum suarum geniti ex consensu earundem uxorum, per bonum et vim matrimonii inter Jacob et uxores suas consentientes in generationem filiorum de ancillis suis, liberi erant filii Jacob et legitimi hæredes ejus cum cæteris filiis Jacob progenitis de uxoribus liberis; diviserunt enim cum cæteris fratribus suis *terram* promissionis *in funiculo distributionis;* hosque quatuor cum cæteris fratribus vocat Scriptura liberos Jacob; ubi dicit: *Congregatis autem cunctis liberis ejus*[1] *ut lenirent dolorem patris, noluit consolationem accipere.* Cum itaque bonum et vis matrimonii possit efficere liberos et legitimos filios, legitimosque hæredes alicujus sponsi et sponsæ suæ, licet non progenitos de utero sponsæ, sed de utero alieno ex consensu sponsæ suæ; multo fortius bonum et vis matrimonii filios naturales progenitos de sponso et de[2] utero sponsæ potest efficere filios legitimos et hæredes legitimos, licet ante matrimonium progenitos; plus enim debet consensus matrimonialis, licet subsequens generationem, valere in prolem de proprio utero, quam consensus matrimonialis præsens in prolem de utero alieno. Sed forte dicet aliquis, quod hac ratione debuit Ismael fuisse hæres Abraham, sicut Isaac; de consensu enim Saræ ingressus est Abraham ad ancillam ejus Agar, ut ex illa susciperet Sara filios; Scriptura autem expresse exhæredat Ismaelem, dicente Sara: *Eice ancillam hanc et filium ejus: non enim*[3] *erit hæres filius ancillæ cum filio meo Isaac;* sed ad hoc respondeo, quod Ismael demeruit legitimationem et

Gen. xxx. 11-13.

Ps. lxxvii. 54.

Gen. xxxvii. 35.

Gen. xxi. 10.

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[1] *ejus*] om. C.C.C.
[2] *de*] om. C.C.C. Ox.
[3] *enim*] om. C.C.C.

hæreditatem quando lusit cum Isaac; ille namque lusus[1], testante Apostolo, fuit persecutio; recitans nam-
Gal. iv. 29. que ad Galatas Scripturam hanc Geneseos, ait: *Sed quomodo tunc is qui secundum carnem natus fuerat persequebatur eum qui secundum spiritum: ita et*
S. Hieron. Liber Heb. Quæst. in Gen. xxi. 9. Opp. iii. 835. *nunc;* lusus[1] autem ille, sive ut ait Apostolus, persecutio, teste Jeronimo, fuit idololatratio, quæ alibi etiam in Scriptura ludus vocatur, secundum id quod scribitur in Exodo de adorantibus vitulum aureum: *Sedit*
Exod. xxxii. 6. *populus manducare et bibere et surrexerunt ludere.* Peccatum vero idololatriæ demeruit[2] libertatem et legitimam hæreditatem; propter hoc namque peccatum populus Israel legitur frequenter captivatus et de sedibus hæreditatis suæ violenter, juste tamen, expulsus.

Item Judas patriarcha genuit Phares et Zaram de Thamar, quæ sibi non fuit matrimonio conjuncta; hi tamen duo filii tanquam legitimi inter filios Israel fecerunt tribus, domos, et familias, et fuerunt participes hæreditatis in terra promissionis; sed quid eos legitimavit ad hæreditatem, nisi affectus matrimonialis quem habuit ipsa Thamar? Ut secundum legem Domini mortuis duobus viris suis filiis Judæ, Her sc. et Onan sine liberis, propinquus eorum suscitaret de ea semen defunctis, et quia non receperat Sela tertium filium Judæ in virum, secundum ipsius Judæ promissum, cui secundum legem debuit matrimonio copulata fuisse, ne fraudaretur omnino semine de virorum suorum propinquitate, sub specie incognita voluit propter affectum matrimonialem ad propinquitatem virorum suorum prolem suscipere de Juda; unde et ipse Judas cognito
Gen. xxxviii. 26. nurus suæ affectu, ait: *Justior me est Thamar, quia non tradidi eam Sela filio meo.* Si igitur affectus

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[1] *lusus*] ludus, Brown.

[2] *demeruit*] demeretur, C.C.C.

legitimus matrimonialis sine sacramento matrimonii præsenti vel consequenti potuit legitimare ad hæreditatem, quanto magis ipsum sacramentum matrimonii, licet non sit præsens cum proles generatur, sed consequens, potest legitimare ad hæreditatem?

Item si bonum matrimonii potuit facere aliquem hominem legitimum filium et legitimum hæredem ipsius qui eum non genuit; multo fortius bonum matrimonii, licet subsequentis, potest facere de filio naturali filium legitimum et legitimum hæredem ipsius qui eum genuit; plus enim videtur posse bonum matrimonii subsequentis in antegenitum, quam bonum matrimonii præsentis in eum quem vir non genuit nec generaturus[1] fuit. Sed Dominus noster Jesus Christus propter bonum matrimonii inter gloriosam Virginem matrem ejus et virum matris ejus Joseph, fuit filius Joseph; non enim mendaciter dixit ipsa beata Virgo: *Fili, quid fecisti nobis sic? Ecce pater tuus et ego dolentes quærebamus te.* Si non mendaciter sed veraciter vocat beata Virgo Joseph patrem Domini nostri[2] Jesu, nec ipse Dominus Jesus mendaciter sed veraciter fuit filius ejus; non quod ipse Joseph carnaliter eum genuit, quod absit a mentibus fidelium suspicari, sed quia ratio paternitatis et legitimæ filiationis in eis fuit servata. Hæc est enim ratio patris legitimi ad filium suum legitimum, ut videlicet uxor sua legitima peperit ei prolem non de alieno concubitu; et ratio filii legitimi ad patrem legitimum, ut natus sit de uxore ejus[3] legitima non de alieno concubitu. Unde Augustinus in libro de Bono Conjugali, ait: "Conjux Maria vocatur a prima desponsationis fide, quam concubitu non agnoverat nec fuerat cogniturus; nec mendax fuit conjugis appel-

S. Luc. ii. 48.

S. Aug De Nuptiis et Concupiscentia. i. §12. Opp. vi. p. 285.

[1] *generaturus*] geniturus, Sid. C.C.C.

[2] *nostri*] om. Sid., Ox.

[3] *ejus*] om. Sid.

"latio, ubi nec fuerat nec futura erat carnalis ulla "commixtio; propter quod fidele conjugium ambo "parentes Christi vocari meruerunt, non solum illa "mater, verum etiam ille pater ejus, sicut et conjux "matris ejus, utique mente non carne." Ex his igitur auctoritatibus liquet quod Dominus Jesus veraciter et non mendaciter fuit filius Joseph; filius, inquam, ejus[1], non naturalis, ut putabatur, sed legitimus, ut veraciter sermone beatæ Virginis insinuabatur; et si Joseph aliquid possedisset hæreditario jure, quis alius quam Dominus Jesus natus ex tempore de sua uxore, idem personaliter natus ante tempora æternaliter de Deo patre, eodem hæreditario jure debuit[2] Joseph successisse? Numquid non veraciter dici potuisset, posito quod Joseph jure hæreditario aliquid possedisset, demonstrato Domino Jesu et[3] Deo et homine, iste Deus ante tempora natus est hæres legitimus Joseph, quia filius non fornicarius neque adulterinus uxoris suæ? Si igitur bonum matrimonii potest hæc prædicta majora; quomodo non poterit et istud minus, ut[4] videlicet, licet subsequens, legitimet tamen et hæredem constituat prolem ante progenitam[5]?

by the analogies of nature,

Exempla quoque naturæ nos poterunt manifeste hoc idem edocere. Una namque et eadem caro unius et ejusdem hominis pilos capitis quos prius produxit nigros, alterata hominis complexione, commutat in albos. Quædam etiam aves secundum mutationes temporum pennas non[6] nascituras et novas et[7] prius natas in alterum et contrarium permutant colorem; et quod magis est admirandum, quædam animalia secundum varias ætates corporis etiam permutant figuram.

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[1] *ejus*] om. Sid.
[2] *debuit*] debet, Sid.
[3] *et*] om. C.C.C. Ox.
[4] *ut*] om. C.C.C.
[5] *progenitam*] genitam, Sid.
[6] *non*] om. C.C.C. Sid.
[7] *et*] sed, MS. Trin. ap. Brown.

Posito quoque[1] quod radix et stipes alicujus oleastri verterentur in naturam olivæ, nonne et priores rami ejusdem oleastri consequenter commutarentur in naturam olivæ? In Thessalia sunt duo flumina, ex quorum uno bibentes oves fiunt nigræ, ex altero albæ; ex utroque vero bibentes variæ[2] fiunt. Innumera quoque sunt[3] hujusmodi quæ mutata immutant etiam illa quæ de ipsis sunt prius exorta. Cum igitur, teste Apostolo, *Qui adhæret meretrici, unum corpus efficitur,* et constat quod corpus illud est corpus illegitimum; vis autem matrimonii faciat duos in carne una, quam constat esse carnem[4] legitimam, sicque post copulam carnalem fornicariam et meretriciam, si copulati prius meretricialiter contrahant postea matrimonium, corpus duorum, quod prius fuit illegitimum, vertitur in unam carnem duorum legitimam: quid mirum si ad similitudinem naturaliter immutantium et immutatorum, corpus duorum meretricium illegitimum, commutatum[5] in carnem unam duorum matrimonialem et legitimam, commutet prolem fornicariam illegitimam de se prius progenitam in prolem matrimonialem et legitimam? Imo magnum mirum esset si hæc mutatio ab illegitimitate ad legitimitatem non fieret; cum proles, sive legitima sive illegitima, uni corpori sive uni carni duorum parentum per naturale vinculum naturalis filiationis firmius inhæreat, et arctius et incomparabiliter insolubilius colligetur, profundiusque increverit, magisque radicaliter inseratur quam capilli capiti, vel pili cuti, vel pennæ carni, vel rami radici seu stipiti. Corpus igitur prius[6] meretricium et illegitimum, mutatum per sacramentum matrimonii in carnem unam conjugalem

Seneca Nat. Quæst. iii. cap. 25. Plin. Nat. Hist. xxxi. 2.

1 Cor. vi. 16.

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[1] *quoque*] enim, Sid.
[2] *variæ*] varii coloris, Sid.
[3] *sunt*] fiunt, C.C.C.
[4] C.C.C. inserts *unam*.
[5] *commutatum*] commutant, C.C.C.
[6] *prius*] om. C.C.C.

et legitimam, quod naturaliter de se natum est et naturali vinculo naturalis filiationis tempore suæ mutationis sibi inhæret naturaliter, non potest non immutare naturaliter in suam similitudinem. Igitur totius etiam naturæ hostes sunt, qui hujusmodi prolem naturaliter, et non dispensative, legitimatam et legitimam, spuriam judicant et ab hæreditaria successione abjudicant; nec restat aliud talibus judicibus, maxime in hujusmodi judicio pertinacibus naturæ hostibus et creaturæ inimicis, nisi ut, sicut scribitur in libro Sapientiæ: *Creatura factori suo deserviens, excandescat in tormentum, adversus ipsos injustos,* et *[potentes] potenter tormenta patiantur.*

Sap. xvi. 24.

Sap. vi. 7.

by natural reason,

Arguit quoque judices hujus judicii firma ratio, quæ prævalet omni legi et consuetudini; si enim aliqua causa potest inducere effectum aliquem in id quod nondum est, sed adhuc futurum est; multo fortius poterit eadem causa inducere eundem effectum in id quod præsentialiter est; sed matrimonium causa est legitimationis, nec potest esse subjectum hujus legitimitatis quod nondum est homo nec particeps speciei humanitatis. Ponamus igitur quod aliqua concipiat in fornicatione ab [1] aliquo, et ille idem post conceptum fornicarium antequam fœtus conceptus formetur in utero matris et figuretur secundum lineamenta humani corporis, et infundatur anima rationalis, contrahat matrimonium cum ea quæ concepit de eo, contractoque matrimonio statim moriatur; igitur secundum judicium etiam vestrum propter bonum hujusmodi matrimonii momentanei proles prædicto modo concepta et nata postea de matre soluta erit legitima et hæreditario jure succedens in patris hæreditatem; sed cum matrimonium hujusmodi fuit præsens, fœtus conceptus nondum fuit homo,

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[1] *ab*] de, Ox.

sed fuit embryo inanimata, quæ non potuit esse legitima vel illegitima ante participationem humanitatis per infusionem animæ rationalis; hujusmodi itaque patrimonium causa est legitimationis hominis nondum existentis, sed adhuc futuri, licet in fornicatione concepti. Igitur per universalem regulam supra dictam, multo magis erit matrimonium causa legitimationis hominis præsentis sive[1] præsentialiter existentis, licet fuerit in fornicatione conceptus. Qua enim natura transfunderet se legitimitas præsentis et statim desinentis matrimonii in filium futurum, nunquam habiturum vinculum naturale naturalis filiationis cum patre, et non transfunderet se legitimitas matrimonii præsentis in filium præsentem, habentem præsentialiter vinculum naturale naturalis filiationis cum patre? Item quæro, an hujusmodi judicii judices decernant prolis legitimationem seu illegitimationem ex conceptu solo, aut ex nativitate sola, aut ex utrisque simul? Si ex conceptu solo, tunc proles concepta in fornicatione, etiam si post matrimonium fuerit nata, erit illegitima; sed per breve quod hi judices voluerunt scribi ab episcopis, videlicet quod talis natus fuit ante matrimonium vel post, patet quod judicant omnem prolem post matrimonium natam esse legitimam; aut inaniter peterent sub tali forma sibi ab episcopis rescribi. Igitur si ex conceptu solo decernunt, patet quod decernent duo contraria; sc. prolem in fornicatione conceptam propter conceptum esse illegitimam, et propter nativitatem post[2] matrimonium esse legitimam; sicut insinuat dictum breve; et sic etiam nec decernunt legitimationem et illegitimationem per conceptionem solam. Si vero judicant legitimationem et ejus contrarium ex conceptu et nativitate simul, tunc si

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[1] *præsentis sive*] om. Ox. | [2] *post*] potest, C.C.C.

conceptus est fornicarius et nativitas legitima per matrimonium, proles nata nec erit legitima nec illegitima, aut simul legitima et illegitima, aut partim legitima et partim illegitima; quorum quodlibet est inconveniens: habebit enim ex parte conceptus fornicarii illegitimitatem, et ex parte nativitatis legitimæ per matrimonium legitimitatem. Si vero judicant per nativitatem solam, cum nativitas solam habeat pœnam nullamque[1] peccati immunditiam ex parte parientis, sive ex parte partus (originalis enim peccati immunditia, in qua omnes generaliter et æqualiter communicant, ex vitiosa lege propagationis contrahitur), unde nominabitur proles spuria et illegitima distinctive immunda? filios namque spurios vocat Apostolus filios immundos, unde spurios; igitur si ex sola nativitate sunt spurii, ex sola nativitate sunt immundi, quod est inconveniens. Item ponamus quod aliqua mulier prægnans ducta ad ostium ecclesiæ ut ibi ducatur in uxorem ab eo de quo concepit in fornicatione, pariat dum contrahitur matrimonium; scilicet dum dicuntur hæc verba: "Accipio te in meam," et "Accipio te in "meum;" ita videlicet, quod pars prolis egrediatur de utero matris antequam proferantur verba[2] quæ faciunt substantiam matrimonii; et altera pars prolis egrediatur post eadem verba perfecte prolata; proles sic nata secundum hos judices nec erit legitima nec illegitima, quia nec ante matrimonium nec post matrimonium nata, sed forte medietas ante, et medietas postea; est enim hoc possibile, cum parere non sit instantaneum sed successivum, cujus motus potest etiam per quietem interpolari.

Accedit[3] insuper supradictis juri[4] divino et naturali

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[1] *nullamque*] nonnullamque, Brown.

[2] *verba*] om. C.C.C.

[3] *Accedit*] Accidit, C.C.C., Ox.

[4] *juri*] jure, C.C.C.

et rationi jus canonicum, quo convincitur prædictum judicium esse iniquum; Alexander enim tertius in decretali quadam epistola natos ante matrimonium per bonum subsequentis matrimonii decernit esse legitimos, et in hæreditate paterna de jure successuros, et contra hoc venire præsumentes severitate ecclesiastica percellendos. Cum igitur, sicut scribitur in Canone, " imperiali judicio non possunt jura ecclesiastica dis-" solvi, sed leges imperatorum evangelicis et aposto-" licis atque decretis canonicis sint postponendæ, nec " possint eis inferre præjudicium, constitutiones quoque " principum contra canones et decreta præsulum Roma-" norum nullius sint momenti," manifestum est quod prædicti judicii judices a sanctorum canonum et sanctæ Romanæ ecclesiæ obedientia se segregant et subtrahunt, et non solum iniqui judicii sed insuper inobedientiæ reatum incurrunt, et maxime si sint clerici in ordinibus seu gradibus ecclesiasticæ dignitatis constituti. Et ut prædicti judices inveniantur in prædicto judicio perfecti transgressores, non remanet aliquod genus juris, cujus in eodem judicio non sunt violatores, cum, sicut notissimum est, jura etiam civilia natos ante matrimonium per subsequens matrimonium legitimos decernant et hæredes; et, ut seniorum relatione didici, consuetudo etiam in hoc regno antiquitus obtenta et approbata, tales legitimos habuit et hæredes; unde in signum legitimationis, nati ante matrimonium consueverunt poni sub pallio super parentes eorum extento in matrimonii solennizatione. Hi insuper judices ad cumulum transgressionis suæ et evidentiorem ejus manifestationem, etiam conceptos et natos in vero et de vero matrimonio voluerunt judicare spurios et exhæredandos, quando voluerunt ab episcopis inquiri et sibi rescribi, utrum is, contra quem proponeretur exceptio illegitimitatis, natus esset ante matrimonium solenniter contractum, an post matrimonium solenniter contractum, (cujus formæ plura

by canon law, v. p. 78.

Decret. Gratiani. Distinct. x. 1, 4.

civil law,

and ancient English custom.

brevia a curia destinata adhuc penes me resident), cum multoties contrahatur clandestinum matrimonium sub paucorum testimonio sine solennitate; et deinde suscitata prole de hujusmodi matrimonio fiat in facie ecclesiæ matrimonii solennizatio.

His itaque judicibus contra jus divinum et naturale, canonicum quoque et civile, necnon contra robur firmæ rationis et antiquitus approbatæ[1] consuetudinis tam manifeste errantibus, congruit illud Isaiæ: *Absorpti sunt a vino, erraverunt in ebrietate, nescierunt videntem et ignoraverunt judicium;* et puto quod istud vinum sit, de quo dicit Salomon: *Comedunt panem impietatis et vinum iniquitatis bibunt.* Merito igitur his *propinabit* Dominus, sicut promittit per Jeremiam, *calicem vini furoris sui, de quo qui biberit, vomet et cadet, neque surget a facie gladii quem missurus est Dominus.*

Isa. xxviii. 7.

Prov. iv. 17.

Jerem. xxv. 15, 27.

Inferiority of secular to ecclesiastical rulers: as the power of secular princes is derived from the church.

Nec se decipiat quisquam credendo quod principes seculi possint aliquid statuere, et quasi legem observare vel observari facere, quod obviet legi divinæ, seu constitutioni ecclesiasticæ, nisi in divisionem sui ab unitate corporis Christi et ecclesiæ et perpetuam adjectionem igni gehennæ, et justam subversionem suæ præpositurae. Principes enim seculi, quicquid habent potestatis a Deo ordinatæ et dignitatis, recipiunt ab ecclesia; principes vero ecclesiæ nihil potestatis aut dignitatis ecclesiasticæ recipiunt ab aliqua seculari potestate, sed immediate a Dei ordinatione; nec potest is qui suscipit, contra eum a quo suscipit[2], per id quod suscipit, rebellare; nisi quemadmodum si *glorietur securis contra eum qui secat in ea, aut exaltetur serra contra eum a quo trahitur, aut elevetur virga contra levantem se et exaltetur baculus*

Isa. x. 15.

[1] *approbatæ*] preparatæ, Ox. | [2] *contra . . suscipit*] om. C.C.C.

qui utique lignum est. Debent quoque principes seculi nosse quod uterque gladius, tam materialis videlicet quam spiritalis, gladius est Petri; sed spiritali gladio utuntur principes ecclesiæ qui vicem Petri et locum Petri tenent, per semetipsos; materiali autem gladio utuntur principes ecclesiæ per manum et ministerium principum secularium, qui ad nutum et dispositionem principum ecclesiæ gladium, quem portant, debent evaginare et in locum suum remittere. Sicut enim ait Paulus: *Princeps* secularis *non sine* Rom. xiii. 4. *causa gladium portat;* et subjungens causam, infert: *Dei enim minister est, vindex in iram in eum qui male agit;* ut igitur ministrent Deo, ultionem exercentes in malefactores, gladium portant principes seculares. Ad eandem quoque similitudinem, utraque pax et utraque lex regimini Petri et obtinentium locum Petri commissa est; sed pacis temporalis, qua socialiter et imperturbate transigitur hæc vita temporalis, et legis temporalis[1] qua socialis et imperturbata vita hominum regitur, gubernacula tenent et movent Petrus et ejus vicarii principum secularium[2] ministerio; pacis vero spiritalis, qua fideles uniuntur in corde uno et anima una in Deum, et legis spiritalis huic paci obsequentis, gubernacula tenent et movent Petrus et sui vicarii ministerio proprio. Sicut enim principes seculares in eo quod gladium portant vindices in iram in eos qui male agunt, Dei ministri sunt, et per hoc, ministri ecclesiæ, sponsæ Christi; sic etiam in eo quod pacis et legis temporalis tenent gubernacula, ministri Dei sunt, ac per hoc, ministri ecclesiæ; et ideo in legibus quibus utimur in pacem temporalem tranquille servandam, nil possunt habere contrarium legibus divinis, seu legibus ecclesiæ, cum minister contra eum cui[3] ministrat, non debeat

[1] *et legis temporalis*] om. C.C.C.
[2] *secularium*] seculario, C.C.C.; seculari, Sid.
[3] *cui*] qui, Sid. C.C.C.

calcaneum levare. Quod autem uterque gladius, utraque pax, utraque lex sit principaliter principum ecclesiæ, liquet non solum ex sacrorum scriptorum expositionibus, sed ex antiquorum principum populi Dei a Deo dispositis actionibus. Moyses enim constitutus a Deo princeps populi Israelitici, in omnibus habens typum prælatorum ecclesiæ, utroque gladio, utraque lege, in utraque pace populum sibi commissum
Exod. xviii. 19. per seipsum regebat; erat enim, ut dicit Scriptura, *populo in his quæ ad Deum*, coercens transgredientes mandata legis, in quorum observatione constituta est
Exod. xxxii. 27. tranquillitas pacis spiritalis; et nihilominus *ponens gladium super femur suum, iens et rediens de porta ad portam*, ultor malorum puniebat perturbantes pacem vitæ socialis; utrosque autem perturbatores dijudicabat et puniebat legibus sibi congruis. Similiter quoque ejus successor Josue, et judices qui fuerunt post Josue, populum Domini regebant, per se tenentes et moventes utrumque gladium, utentes utraque lege, in utriusque pacis firmamentum. Sed postquam Dominus noster Jesus Christus apparuit[1] in terris verus Deus et Agnus mansuetissimus, volens mansuetudinem et in divina suspensam intentionem in principibus ecclesiæ præminere, ne claritas præminentis mansuetudinis et in superna suspensæ[2] intentionis aliquatenus offuscaretur exercitio severitatis aut implicatione in secularibus negotiis, actus gladii materialis et executio legis temporalis, in quibus fulgurat plurimum[3] severitatis licet justæ, et caligat nebula terrenæ occupationis quamvis licitæ, traduntur in manus principum secularium, retenta eorundem potestate in manibus principum ecclesiasticorum; unde et Jeremiæ
Jerem. i. 10. dictum est gerenti typum prælatorum: *Ecce constitui*

[1] *apparuit*] om. C.C.C.; venit, Sid.
[2] C.C.C. inserts *et*, omitting it at the beginning of the line.
[3] Brown inserts *terror vel* after *plurimum*.

te hodie super gentes et super regna, ut evellas et destruas et disperdas et dissipes et ædifices[1] *et plantes.* Divisionem autem duorum gladiorum actuum et duarum legum in principes seculi et principes ecclesiæ, unitatem tantum potestatis utriusque gladii et utriusque legis penes principes ecclesiæ retentam, puto monstrasse et ordinasse[2] ipsum Dominum Jesum Christum, quando cum cognovisset quia venturi essent, quos paverat de quinque panibus et duobus piscibus, *ut raperent eum et facerent eum regem, fugit in montem;* et iterum quando cum *quidam de turba ait illi: Magister, dic fratri meo ut dividat mecum hæreditatem; dixit ei: Homo, quis me constituit judicem aut divisorem super vos?* Actum enim regnandi et judicandi de temporalibus duntaxat fugit; non regiam vel judiciariam potestatem abjecit, cum vere et naturaliter rex esset, judex cælestium, terrestrium, et infernorum; monstrans in hoc principes ecclesiæ tempore gratiæ non debere sæva, aut sævorum seu temporalium judicia actualiter exercere; potestatem tamen omnem penes eos remanere et ex eorum potestate actum talium in principes seculi transire. Obtemperare igitur oportet leges principum seculi legibus divinis, et ecclesiasticis non repugnare; quod si gladio aut legis constitutione repugnat princeps secularis Christo aut ecclesiæ, inobediens invenitur Patri suo Christo qui eum genuit verbo veritatis, et matri suæ quæ eum peperit de sacro fonte baptismatis; estque, sicut[3] scribitur in Ecclesiastico, *malæ famæ, qui relinquit patrem, et maledictus a Deo, qui exasperat matrem;* eradicabitur quoque fundamentum ejus, sicut in eodem libro scribitur: *Quia maledictio matris eradicat fundamentum.*

S. Joh. vi. 15.
S. Luc. xii. 13, 14.
Ecclus. iii. 18.
Ecclus. iii. 11.

[1] *et ædifices*] om. C.C.C.
[2] *et ordinasse*] om. C.C.C.
[3] *sicut*] om. C.C.C.

Si igitur principes et judices seculi hanc maledictionem volunt evitare, acquiescant Salomonis sapientiæ dicentis: *Audi, fili mi, disciplinam patris tui, et ne dimittas legem matris tuæ; ut addatur. gratia capiti tuo et torques collo tuo;* et cujus disciplinam moneret tanto opere audiendam, cujusque legem non dimittendam, nisi Dei patris et ecclesiæ matris? Quam enim legem matris carnalis moneret non dimittendam; cum matres carnales, etiamsi sint imperatrices, non sint legum aliquarum conditrices.

Prov. i. 8, 9.

W. de Raleger is warned to endeavour to bring the civil law into agreement with the ecclesiastical.

Cum itaque tantis testimoniis tam evidenter pateat, principes et judices seculi non posse condere leges contrarias legi Dei, vel ecclesiæ constitutioni, vel legibus sic conditis uti, nisi rebellando Deo patri, et sanctæ matri ecclesiæ, in sui perpetuam damnationem, et præpositurae suæ etiam temporalem subversionem; tu, cui commissum est talentum familiaritatis regiæ, et dignitas potestatis judiciariæ, sicut vis non perdere dominum regem, tradendo eum ignibus gehennæ, nec teipsum ab obedientia sanctæ Romanæ et catholicæ ecclesiæ separare, satagas modis omnibus leges contrarias legibus divinis et ecclesiasticis, quibus hucusque usa est curia domini regis in contumeliam et injuriam æterni Regis, ad conformitatem legum divinarum et ecclesiasticarum revocare; statuasque tecum firmiter, volentibus de cætero hujusmodi leges condere, vel conditis uti, viriliter occurrere, et sic dominum regem et teipsum, cæterosque hujus regni seculares judices de incendio sempiterni ignis cripere. Vale.

XXIV.

Robertus Dei gratia Lincolniensis Episcopus, dilecto in Christo filio Willelmo de Raleger, thesaurario Exoniæ, salutem, gratiam, et benedictionem. 1236.

His rejoinder to W. de Raleger's complaint of the length of his last letter.

Recepi rescriptum tuum, in quo mihi gratias refers de eo quod tibi mandavi per breve meum; quod quidem, ut dicis, non est *breve* sed *longum;* hac adjecta conditione, si bono zelo tibi scripserim. Novit ille qui est Deus zelotes, quod zelo salutis tuæ regisque et regni tibi scripsi; sicut evidenter perpendere potuisti ex serie mei rescripti; quod[1] autem reprehendis de brevis mei longitudine, et derisorie vocas illud *longum* meum, non est satis perspecta reprehensio, nec conveniens viro sapienti derisio, cum scriptum tibi transmissum in eodem scripto nominaverim non *breve* sed epistolam, sicut et tu in consequentibus nominasti; quod licet excedat *brevis* brevitatem, considerata epistolæ materia, non excedit epistolarem mediocritatem; et si tantum assuefactus esses sanctorum patrum epistolis, quantum *brevibus* legendis, non visa fuisset tibi epistola prolixa, sed quoad materiæ fœcunditatem magis brevitate succincta[2]. Sed hujus reprehensionis injuriam paterna affectione tibi, sicut filio carissimo, plene condono; tuam autem derisionem maternis visceribus doleo, quia si Cham maledictus est in filio suo Chanaan, eo quod derisit verecunda[3] patris; quid timere possunt qui derident patris veneranda? Scripsisti insuper quod mihi plenius responderes, si longo responso intendere posses; confido autem in veritate Gen. ix. 25.

[1] *quod*] cum, C.C.C.
[2] *succincta*] succinctam, Sid.
[3] *verecunda*] veranda, Ox.

Dei quod nullis quantumcunque longis responsis arguere me, in hac parte, mendacii poteris. Postea autem me insinuas ad hoc conari, ut immutem leges regni per rationes Veteris Testamenti. Non hoc prætendit series epistolæ tibi missæ, si perlegas eam simplici intentione; sed conor per epistolam tibi persuadere, ut tu[1] leges et consuetudines legi divinæ et constitutioni ecclesiasticæ contrarias coneris ad eorum concordiam commutare, simul cum his, a te efficaciter persuasis, penes quos est legum immutandarum et condendarum potestas; nec te solum alicubi in transmissa epistola conditorem legum insinuavi, quod in curia possis quicquid volueris; nec tam idiota sum quod credam ad alicujus suggestionem te vel alium sine principis et magnatum consilio posse leges condere vel commutare. Præterea ad confirmandam hanc legem quod bastardus sub pallio supra parentes nubentes extento positus inde surgit bastardus, induxistis testimonium Ricardi de Luci; cujus testimonium quantam et qualem habeat comparationem ad[2] testimonia divinæ Scripturæ et canonicæ contrarium[3] testificantia, "lippis patet et tonsoribus." Ad hæc, non, sicut insinuare videris, omnia sunt licita quæ hucusque a domino papa sunt permissa; permittit enim multa *propter cordium duritiam*, sicut *Moyses dedit et permisit libellum repudii*. Nec debes reputare tibi esse injuriatum in eo quod epistolam tibi scripsi; quia novit ille qui simul est judex et testis, quod eam[4] scripsi non ad injuriandum sed ad justificandum, et te præ cæteris cui scripsi præ cæteris honorificandum. Scriberem autem libenter et aliis epistolas, sicut commones, si crederem in eis me consecuturum talem fructum qualem me credidi in te habiturum. Ironice autem adnectis me

Hor. Sat. I. vii. 3.

S. Marc. x. 4, 5.

[1] *tu*] om. Sid.
[2] *ad*] et, C.C.C.
[3] *contrarium*] contraria, Sid.
[4] *quod eam*] quia, Sid.

scire omnes leges, cum sim homo legum imperitus; nec deceret filii devotionem patris imperitiam a sensu contrario deridere, cum filiis dicat Scriptura de patribus: *Si defecerit sensu, veniam da, et ne spernas* Ecclus. iii. 15.
eum in virtute tua. Optas insuper ut tuum onus supportarem in curia, cum hæc non sit optatio filialis; quia *quantum distat ortus ab occidente,* tantum distat Ps. cii. 12.
tui oneris supportatio a præsulis officio. Nec videtur mihi tua mora in curia regno damnosa, sed animæ tuæ videtur mihi damnosa; et ideo paterno affectui meo de tua salute solicito, tædiosa; cum curam magnam habeas pastoralem, quæ plus exigit quam te totum a secularibus negotiis quantumcunque expeditum. In calce autem hujus, non *brevis* seu *longi brevis* sed brevis epistolæ, te quanta possum rogo affectione quatenus quæ in hac et in altera epistola tibi scripsi, quæ, nisi me fallat spiritus mei judicium, de veræ dilectionis et paternæ affectionis prodeunt radice, in te sint fomes, nutrimentum, et augmentum perseverantis amicitiæ; quia, favente Jesu Christo, *neque mors, neque* Rom. viii. 38.
vita, nec tribulatio, nec angustia, nec creatura aliqua separabit me a caritate tua, quæ est in Christo Jesu Domino nostro.

XXV.

Robertus Dei gratia Lincolniensis Episcopus dilecto in Christo filio domino Hugoni de Pateshillis salutem, gratiam, et benedictionem. 1236 [?].

Entreats him not to take a larger benefice, as he neglects what he has already.

Quanto ferventius te diligo et ex affectione paterna brachiis caritatis amplexor, tanto magis debitor sum annunciandi tibi quod animæ tuæ saluti obstare vel prodesse credidero; nec solum ad annunciationem salutiferam me trahit amor, sed vehementer urget et impellit timor; Scriptura comminante, quæ dicit: *Maledictus qui prohibet gladium suum a san-* Jerem. xlviii. 10.

guine, id est, verbum prædicationis ab effundendo et emundando sanguinem peccati; et iterum: *Si me dicente ad impium, impie, morte morieris; nec*[1] *fueris locutus ut se custodiat impius a via sua: ipse impius in iniquitate sua morietur: sanguinem autem ejus de manu tua requiram.* Trahente igitur amore et impellente timore, paterna solicitudine moneo, mando[2], exhortor, et obsecro, quatenus animæ tuæ saluti consulens, majori et graviori oneri curæ pastoralis jampridem suscepto humerum tuum non supponas, ne oneris gravitas te opprimat et conterat, cum jampridem susceptum onus minus viriliter portes. Non enim, ut ad officium pastorale pertinet, sustentas eum qui lassus est prædicationis verbo, nec inter parochianos tuos præsentialiter conversans suscitas eos sanctæ conversationis exemplo. An vero tuis fletibus et gemitibus et orationis instantia peccata gregis tui abluas, et jugi compassione portes, ignoro. Veruntamen quod hanc tertiam partem curæ pastoralis non perficias, videtur arguere tua secularibus negotiis frequens et continua implicatio, cum qua, teste Apostolo, *nemo militat Deo;* et inter ambitiones et pompas et voluptates assidua conversatio, quarum comes esse non consuevit lachrymarum irrigatio. Ex manifestis igitur et probabilibus evidenter colligitur te curam non agere pastoralem; sed de his pastoribus esse videris, quibus per prophetam dicit Dominus: *Lac comedebatis et lanis*[3] *operiebamini, et quod crassum erat*[4] *occidebatis; gregem autem meum non pascebatis: quod infirmum fuit non consolidastis, et quod ægrum non sanastis; quod fractum non alligastis; et quod abjectum est, non reduxistis; quod perierat non quæsivistis: sed cum austeritate imperabatis eis*

Ezech. iii. 18.

2 Tim. ii. 4.

Ezech. xxxiv. 3, 4, 5.

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[1] *nec*] ut, C.C.C., corrected in Ox.
[2] *mando*] om. Sid., Ox.
[3] *lanis*] laneis, C.C.C., Ox.
[4] *erat*] est, Sid.

et cum potentia: et dispersæ sunt oves meæ eo quod non esset pastor. Ut igitur ultionem effugias[1] mercenarii, lac et lanam quærentis et gregem non custodientis, aut te expedito ab implicatione et cura secularium negotiorum, curæ pastorali, ut pastor bonus, vigilanter intendas: aut dimissa pastorali cura licite secularibus negotiis te implices; quia utrumque simul agere non potes. Quod si ad curam pastoralem, omissa secularium negotiorum cura, ut Deo milites, te, sicut oportet, convertas, certus sum quod non refugies solum majorem curam assumere; sed satageres de magna parte curæ jam assumptæ te exonerare, cum senseris te de omnibus et singulis ovium tuarum commissis rationem reddere debere. Nec fallat te, sicut multos fallit, obtenta forte dispensatio habendi tot beneficia ecclesiastica; quia hujusmodi dispensatione abutitur, quisquis ad alium finem quam ad fidei et caritatis augmentationem[2] eadem utitur. Consule igitur conscientiam tuam, utrum plura adhuc ecclesiastica quæris beneficia, ut caritas augeatur in ovibus; aut ut tu augearis ex ovium opibus; ut tu pascas oves verbo, exemplo, et oratione, aut ut tu pascaris de ovium lacte: vide utrum Deo dicere possis cum Augustino: "Domine, tu scis quia dixi; tu scis quia "non tacui; tu scis quia flevi, cum dicerem et non audirer;" hæc est tota de ovibus reddenda ratio. Si igitur hujus rationis cumulum reddere Deo non poteris de ovibus hucusque tibi commissis; qua fronte audes expetere, ut plures tibi committantur, pro quibus te constituas amplioris rationis reddendæ debitorem apud districtissimum judicem et exactorem usque ad novissimum quadrantem? Si regi terreno non posses rationem reddere de villicatione minori; quomodo

[1] *effugias*] fugias, Sid.
[2] *augmentationem*] augmentum, Sid.

expeteres ab Eo villicationem majorem, in cujus ratione
S. Matt. xxii. 13. reddenda si deficeres, *ligatis manibus et pedibus mitteret* te *in* carceris *tenebras exteriores?* An putas
S. Luc. xvi. 2. Dominum[1] non dicturum tibi, *redde rationem villicationis tuæ?* Dicet utique: quam si non reddas usque ad ultimum minutum, tradet te tortoribus ultra omne ultimum cruciandum. Quapropter, carissime mihi in Christo, per aspersionem sanguinis Jesu Christi qui totus effusus est non solum pro omnibus sed pro singulis ovibus, te obsecro, quatenus pro ampliori cura majori et districtiori reddendæ rationi te non obliges, ne forte in reddenda ratione deficiens, tradaris tortori
S. Matt. v. 26. qui te mittat in carcerem, unde *non exeas donec reddas*[2] *usque ad novissimum quadrantem.*

Novit Ille qui scrutator est cordium, quod timore periculi tui et ovium mearum, pro quibus debitor sum non solum verba sed animam meam ponere[3], hæc tibi paterna solicitudine et materna compassione persuadeo; et qua affectione mater retinet renitentem parvulum ne se mittat in præcipitium, ea te si possem retinerem, licet reclamantem et renitentem, ne curam tibi oblatam susciperes, in tui et ovium illarum[4] desolatarum grande periculum. Sed te retinere nolentem non potero, nisi tibi obstarent jura canonica, secundum quæ judicantur omnia in militante ecclesia. Verum eo solicitius tibi cavendum est, ne forte in hac parte tibi obstarent jura divina, secundum quæ judicandus, vel bene proficiens judicaturus es, in triumphante ecclesia.

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[1] *Dominum*] Deum, Sid.
[2] *reddas*] om. C.C.C., Ox.
[3] Brown inserts *paratus ero.*
[4] *illarum*] earum, Sid.

XXVI.

Reverendo patri in Christo ac domino Edmundo Dei gratia Cantuariæ Archiepiscopo, totius Angliæ Primati, suus devotus Robertus permissione divina Lincolniensis ecclesiæ minister humilis, salutem, et quam debitam tam devotam cum omni reverentia obedientiam. 1236.

On the deceitful behaviour of the convent of Oseney.

Literas paternitatis vestræ ea qua decuit reverentia recepi pro abbate[a] et conventu de Oseney, ex quarum tenore perpendi evidenter quod ex parte ejusdem abbatis et conventus, vobis fuerit suggestum et datum intelligi, me per sequestrationem fructuum ecclesiæ de Euere[b] in causa extitisse, quo minus domino Boetio, domini Papæ familiari, solverint quinquaginta marcas pro firma ejusdem ecclesiæ de anno præterito. Ne igitur circumveniri possitis in hac parte, vestræ paternitatis discretioni significo, quod prædicti abbas et conventus fructus anni præteriti, pro quibus debent[1] dictas quinquaginta marcas, quas exigit dictus Dominus Boetius, integre et libere perceperunt, absque aliquo per me obstaculo; nec a solutione dictarum quinquaginta marcarum unquam per me, si recte recolo, nec per sequestrationem meam, quam rationabiliter feci, fuerunt vel ad momentum impediti; cum dictæ quinquaginta marcæ debeantur pro fructibus autumni non proximo præteriti, quos sequestravi, sed ante præteriti etiam ante electionem meam. Noveritisque me etiam fere in hac parte fuisse circumventum, dato mihi intelligi quod prædictæ quinquaginta marcæ debeantur[2] pro fructibus autumni proximo elapsi. Ad hæc,

[a] John de Leech.

[b] Iver in Bucks.

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[1] *debent*] debeant, C.C.C.

[2] *debeantur*] debebantur, Ox., Sid.

noverit vestra paternitas quod nunquam dicti abbas et conventus instrumenta sua, si rector ecclesiæ de Euere jam obierit, super quinquaginta marcis pro fructibus anni præcedentis, mihi confecerunt, sicut in literis vestris ex eorum persona asseritur.

Gen. xviii. 27. *Et quia semel cœpi, loquar ad dominum* et patrem meum de fraudulenta circumventione, qua non fratrem sed patrem circumvenire moliuntur plurimi. Circumvenit Matt. x. 16. enim vestram *serpentinam prudentiam* et *columbinam simplicitatem* aliquis Proteus, vultum mutans, paternitati vestræ conquerens ex parte Hugonis de Ravel[1], quod cum personatum medietatis ecclesiæ de Wudeford canonice fuisset idem Hugo adeptus, ego eundem dicto personatu contra justitiam spoliavi; propter quod ad dominum Papam et ad vos ad tuitionem appellavit; super cujus appellationis cognitione summaria, dedistis eidem judices cancellarium et decanum Cantebrigiæ, qui me vocant coram se in causam, quod justum fuerit coram eis recepturum. In dicta itaque querimonia, si non staretur in angulo generalis intentionis, qui intrinsecus sordes colligit et fraudes involvit, extremo suo in fine puncturus penetrante acumine pœnæ gehennalis; sed descenderetur ad planum et luminosum specialis veritatis, quæ non quærit angulos, sed, sicut S. Joh. viii. 32. dicit Salvator, liberat; compertum esset dictum Hugonem de Ravel[1] nullum personatum potuisse usque ad hæc tempora sine dispensatione canonice fuisse adeptum; cum ipse aspectus evidenter doceat eundem dictum Hugonem minoris ætatis quam canones admittant ad personatum et regimen animarum. Insuper quoque falsum vobis in hac parte suggestum est, cum dictus Hugo dictum personatum etiam de facto nunquam obtinuerit, sed qualem qualem custodiam, eamque, ut creditur, minus canonice adeptam.

Grosseteste had refused the parsonage of Woodford to Hugh de Ravel on account of his youth.

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[1] *Ravel*] Rariel, Sid., Raryel, C.C.C.$_2$.

Iterum intimatum fuit vobis ex parte dilectorum in Christo filiorum M.[a] Archidiaconi Buks [1] et magistri Walteri de Sancto Quintino, quod cum causa verteretur inter eos ex una parte, et Johannem de Crakhall canonicum Lincolniensem ex altera, super ecclesia de Edelsberg [2] coram me, dicti archidiaconus et magister Walterus in judicio comparentes, me tanquam suspectum recusabant, eo quod dictus Joannes fuit domesticus et commensalis meus, et eo insuper in eadem causa eorundem adversarius manifestus; propter quod dicti archidiaconus et magister Walterus sedem apostolicam et vos ad tuitionem appellaverunt. Unde et vos super dictæ appellationis summaria cognitione dedistis judices magistrum R.[b] rectorem ecclesiæ beatæ Helenæ et decanum de Abyndone; cum nunquam tamen dictam causam personaliter audiverim, sed ad omnem tollendam suspicionem, commissariis omni suspicione de jure majoribus in eadem causa vices meas commiserim, semper paratus corrigere, si forte in aliquo contingeret eosdem errasse. Quia igitur cura pastoralis me totum exigit, etiamsi gerere possem [3] multorum milium personas in ea peragenda quæ directe tendunt in salutem animarum; ne hujusmodi frivolis appellationibus, verique suppressionibus et falsi suggestionibus elidere nitentium jurisdictionem ordinariam suorum prælatorum, extrahar ab his quæ Dei sunt, in ea quæ sunt mundi, seu potius in ea quæ sunt dissidii, ad pedes vestræ paternitatis provolutus humiliter supplico, quatenus contra prædicta eisque similia provideat vestra prudentissima discretio, quantum possibile est[4], remedia salubria; et prudentia divinæ sapientiæ quæ in vobis eminenter elucet, detegat laqueos astutiæ mundanæ, fugetque fraudis tenebras, iterque complanet volentibus dirigere pedes suos in viam pacis et salutis eternæ.

His authority declined on a suit concerning the church of Eddlesborough.

[a] Matthew de Stratton.

[b] Possibly an error for Luke, abbat of Abingdon in 1234.

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[1] *Buks*] et Buks, C.C.C.

[2] *Edelsberg*] Elderflerg, C.C.C$_2$. and Sid., but corrected in the margin.

[3] *possem*] possum, C.C.C.

[4] *est*] sit, C.C.C.

Cæterum licet prolixitas paginæ tædiosa sit nimirum vestræ magnæ occupationi, quando[1] tamen non est
1 Cor. xiii. 7. molesta vestræ magnæ caritati, cum caritas omnia toleret, commoditatem necessariæ consultationis præponens vitationi[2] prolixitatis, vestræ adhuc significo paternitati, quia dominus rex et suum Concilium volunt me compellere, ut cum in curia regis proponitur contra aliquem de diœcesi mea exceptio bastardiæ, eo quod natus fuit ante matrimonium solenniter contractum, inter parentes ejus, ego ad mandatum regium in foro ecclesiastico inquiram, an is contra quem sic excipitur natus fuerit ante matrimonium solenniter contractum, vel post; et quod rescribam domino regi sub tali forma, videlicet, quod natus fuit ante matrimonium solenniter contractum, vel quod fuit natus post matrimonium solenniter contractum. Et quia supersedi ad mandatum regium sub tali forma rescribere, citatus sum ut compaream in curia domini regis super hoc responsurus. Dicunt etiam dominus rex et concilium suum quod vos, cum episcopis, et comitibus, et baronibus Angliæ, in prædictam formam inquisitionis et rescriptionis consensistis. Supplico igitur attentius vestræ paternitati quatenus per literas vestras me certificare dignetur, utrum in prædictam formam inquisitionis et rescriptionis, quemadmodum dicunt dominus rex et concilium suum, consensistis; et si in præscriptam formam consensistis, instanter peto vestræ paternitatis consilium quid in hoc casu mihi sit potius agendum. Si enim secundum præ-
Heb. x. 31. scriptam formam domino regi rescribam, timeo *incidere in manus Dei viventis;* si vero secundum præscriptam formam denegem me rescripturum, vobis in præscriptam formam consentientibus, difficilis videtur evasio, quin incidam in manus hominum. Nisi igitur vestræ

He has been cited before the king's court to answer for his conduct respecting the law of bastardy.

Requests the archbishop's advice under the circumstances.

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[1] *quando*] quia, Ox.

[2] *vitationi*] vitationem, C.C.C.

discretionis consilium me ab utroque dicto inconvenienti liberet, confidenter incidendum est potius in manus hominum, de quibus Deus potest eripere, quam in manus Dei, *de quibus non est qui possit eruere.* Deut. xxxii. 39.

XXVII.

Reverendo patri in Christo ac domino Edmundo Dei gratia Cantuariæ Archiepiscopo, totius Angliæ Primati, suus devotus Robertus permissione divina Lincolniensis ecclesiæ minister humilis, salutem, et quam debitam tam devotam cum omni reverentia obedientiam. 1236.

Royal mandate constituting the abbat of Ramsey itinerant justice.

See below LXXII.*

[a] Ralph, appointed abbat in 1231.

Noverit paternitas vestra quod abbas[a] de Ramesey, ordinis beati Benedicti, suscepit mandatum domini regis in hæc verba:

"Henricus Dei gratia, &c., abbati de Ramesey salu-"tem. Sciatis quod constituimus vos justitiarium "nostrum ad itinerandum ad omnia placita nos-"tra cum dilectis et fidelibus nostris Roberto de "Lexintone, Olivero de Vallibus, et Johanne de "Hulecote[1], in comitatibus Bedford. et Bucks; et "ideo vobis mandamus, rogantes quatenus onus præ-"dictum justitiariæ una cum prædictis et fidelibus "nostris, vobis ad præsens assumere velitis; ita quod "iter vestrum in comitatibus prædictis ad diem et "locum quos vos et socii vestri ad invicem videritis "expedire, incipiatis, talem diligentiam in hac parte "apponentes, quod diligentiam vestram ad hoc appo-"sitam non immerito[2] debeamus commendare, et cum "gratiarum actione speciali. Teste meipso apud "Mortelake quarto die Maii, anno regni nostri vice-"simo."

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[1] *Hulecote*] Hulceter, Sid.

[2] *non immerito*] cum muneribus, Sid., but corrected in the margin.

This being contrary to Scripture and the Canons, the archbishop is requested to induce the king to withdraw his mandate.

Cum igitur secundum tenorem præscripti mandati præfatus abbas constituatur justitiarius itinerans ad omnia placita regia, si idem abbas suscipiat in se hujusmodi onus justitiariæ, suscipiet officium, statum [1], et potestatem judicis, etiam in causis sanguinis decidendis. Sed si non licet alicui officium seu potestatem ordinariam aut delegatam in se suscipere, cui non licet ejusdem officii seu potestatis actum exercere; liquet quod hujusmodi officii seu potestatis in se susceptio, omni clerico, nedum abbati ordinis beati Benedicti, est illicita; nec excusatur a culpa licet more solito surgat de sede judicis, quando [2] in causa sanguinis proferenda est sententia condemnationis; præsertim cum talis surrectio evidens sit apud omnes indicium quod accusatus absque retractatione reportaturus sit condemnationis judicium; et sic talis judex quamvis non ore, tamen opere quodammodo exerceat judicium sanguinis et efficiatur de principibus Sodomorum, quibus exprobrat propheta quod *manus eorum sanguine plenæ sunt.* Præterea secundum canonicas sanctiones et Conciliorum constitutiones, nulli licet clericorum jurisdictiones seculares sub aliquibus principibus et secularibus viris, ut justitiarii eorum fiant, exercere; et [3] si quis clericorum contra hoc venire præsumpserit, ab ecclesiastico ministerio fieri debet alienus, religiosis, si ausu temerario hoc attemptaverint, districtius puniendis. Cum igitur non solum secundum jura divina, quibus interdicitur militantibus Deo secularibus negotiis implicatio; sed etiam secundum jura canonica et votum professionis monasticæ sint maxime monachis, officium, jurisdictio, et exercitium hujusmodi justitiariæ omnino illicita, ac per hoc coactio, præceptio, consensus, et dissimulatio talium

Isai. i. 15.

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[1] *statum*] om. C.C.C., Ox.
[2] *quando*] cum, Sid.
[3] *si*] om. C.C.C.

illicitorum ab eo qui debet et potest impedire, vergant in detrimentum salutis æternæ; ad pedes vestræ paternitatis supplices provoluti, quanta possumus devotione rogamus quatenus dominum regem efficaciter moneatis et inducatis ut præscriptum mandatum præfato abbati destinatum revocet et retractet; ne ipse coactione vel præceptione, nosque consensu et dissimulatione, animarum nostrarum æternum faciamus detrimentum. Exoramus etiam vestram paternitatem quatenus nobis significare velitis vestrum consilium, si forte dominus rex, quod absit[1], supradictum mandatum suum ad vestram exhortationem non revocet, et sæpedictus abbas, cujus animæ curam habemus, in animæ suæ dispendium et religionis scandalum et ecclesiasticæ libertatis detrimentum præfatæ justitiariæ exerceat officium. Si enim in hoc casu nosmetipsos non opposuerimus[2], ab exercitio hujus officii, monitione præmissa, præfatum abbatem ecclesiastica censura compescendo, proculdubio incidemus in illud propheticum Ezechielis: *Non ascendistis ex adverso neque opposuistis murum pro domo Israel ut staretis in prœlio in die Domini;* (Ezech. xiii. 5.) et in illud Canonicum: "Error cui "non contradicitur, approbatur." (Decret. Gratiani I. Distinct. 83.) Si vero nos opposuerimus, regii forte ministri nostras invadent et diripient possessiones; et cum hujusmodi oppositio prius in his partibus non sit attemptata, erimus hujus mundi sapientibus *in derisum et canticum tota die.* (Lam. iii. 14.) Utrinque igitur imminet periculum; hinc temporale, illinc æternum. Sed cum[3] ad minimi æterni periculi comparationem, quamvis magnum periculum temporale[4] nullam omnino habeat magnitudinem, imo nihil omnino sit, pudet jam in hoc casu consilium

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[1] *absit*] facit, C.C.C.

[2] *opposuerimus*] apposuerimus, C.C.C.

[3] *cum*] tamen, Sid.

[4] Sid. inserts *sit*.

quæsivisse; cum in solis ambiguis sit consiliandum; et utrinque imminere periculum dixisse; cum temporale, quod dicitur, periculum veraciter sit nullum; sed posteriorum oblito et in anteriora se extendenti multo magis sit compendium. Vestrum igitur quam possumus humili et affectuosa supplicatione magis jam exoramus imperium, ut, spreto quolibet temporali dispendio pro libertate ecclesiæ et animarum ereptione de æterni ignis incendio, confisi de Dei adjutorio, quantum nostra sufficit parvitas, in casu proposito nos opponamus. Mea namque pusillanimitas vestræ circumspectæ fortitudinis imperio suffulta, poterit, juvante Domino, in vestra fortitudine impulsibus malitiæ non concuti; quæ sine tali fulcimine de facili posset pravorum molimine subverti.

XXVIII.

1236. *Reverendo patri in Christo ac domino Edmundo Dei gratia Cantuariæ Archiepiscopo, totius Angliæ Primati, suus devotus Robertus permissione divina Lincolniensis ecclesiæ minister humilis, salutem, et quam debitam tam devotam cum omni reverentia obedientiam.*

The king is trying to make religious persons itinerant justices, and to bring clerks before the civil courts in personal actions.

Cum paterna et pastorali solicitudine animæ meæ proximam geratis curam, in ambiguis animæ meæ[1] statum contingentibus vestrum potissime non solum decet, sed oportet, inquirere consilium, et in[2] imminentibus periculis apud vos tutissimum invenire refugium. Sane satis innotuit vestræ paternitati, qualiter regia potestas viros religiosos urget ut justitiariorum itinerantium ad omnia domini regis placita suscipiant officium; et clericos, ut, cum impetuntur in

[1] *proximam . . . meæ*] om. C.C.C. | [2] *in*] om. C.C.C.

actione personali, laicalis potestatis subeant judicium. Intentat etiam domini regis excellentia parvitati meæ non mediocres minas, eo quod auribus regiis intimatum sit, me talibus quæ, ut credo, vergunt in animarum dispendium et ecclesiasticæ libertatis præjudicium, obstare velle, quasi in hoc obstare conarer coronæ et dignitati regiæ. Vestræ quoque paternitatis discretio jam bis mihi significavit, quod sicut viris sapientibus et discretis visum est, in hujusmodi supersedendum sit et dissimulandum usque ad Concilium a vobis celebrandum. Quia igitur in his hinc inde vehementer pulsantibus in diversa, animæ meæ timeo periculum, volens animæ meæ saluti (pro qua bonam rationem debetis reddere in districto examine in die judicii) a vestræ paternitatis solicitudine districtius consuli, quæro a vobis mihi evidenter et plane responderi, utrum religiosi gerentes officium justitiariæ hujusmodi, et clerici, cum impetuntur in actione personali, subicientes se judicio laicali, peccent, an non? Si enim in his non peccant, leviter ferendum est quod in hac parte faciunt; si vero in his peccant, nunquid vos, et ego, qui tenemur pro illis animas nostras ponere, possumus sine peccato, eorum peccato[1] non statim occurrere, et eos aliquandiu in fovea peccati dimittere, ut postea cum maturiore consilio eosdem extrahamus a peccatorum[2] puteo? Quod autem in hac parte peccent tam religiosi quam clerici, videtur evidenter posse monstrari. Cum enim omnes teneantur obedire statutis summi pontificis et sanctionibus canonicis, juxta illud præceptum Apostoli: *Obedite præpositis vestris et subjacete eis;* si contra canonicas sanctiones manifeste veniunt, nonne inobedientes sunt, et *quasi peccatum ariolandi repugnando,* et *scelus idololatriæ non acquiescendo,* committunt? Secundum canonicas

Grosseteste has been threatened by the king for his opposition.

The archbishop has twice answered that it is best to wait till the assembling of a Council.

But is it a sin or not?

That it is a sin is clear.

Heb. xiii. 17.

1 Sam. xv. 23.

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[1] *eorum peccato*] om. C.C.C. | [2] *peccatorum*] peccati, Ox.

autem sanctiones fas non est publicarum rerum nexibus implicatos, divinis servituros applicare ministeriis. Nunquid igitur e converso[1] fas erit religiosos, divinis ministeriis non solum simpliciter sed ex voto professionis applicatos, publicarum rerum nexibus implicari? Nonne secundum vocem sponsæ *expoliaverunt se hac veteri tunica? quomodo igitur rursum induentur illa? laverunt pedes suos* ab his iniquitatibus[2]; *quomodo iterum inquinabunt illos?* "Episcopus," ut dicit Canon, "aut sacerdos aut diaconus nequaquam seculi curas[3] "assumat: sin aliter, deiciatur." Quid igitur monachus, qui non seculi curas sed etiam seipsum ex voto abnegavit? Nonne item Gregorius Romano defensori districtius præcepit, ut "statim Basilium episcopum, "velut unum de laicis in causis secularibus occupatum "et prætoriis inutiliter servientem, (quoniam hæc res "ipsum vilem reddidit et reverentiam sacerdotalem "adnihilavit) ad revertendum eum districta executione "compelleret?" Nunquid autem eadem res abbatem similiter non reddit vilem, et reverentiam religionis adnihilat; aut quod Romano defensori præceptum est districtius, non præcipitur sub consimili districtione pontifici? Quomodo igitur abbas velut laicus causis secularibus occupatus, ac per hoc se vilem reddens et reverentiam religionis adnihilans, aut pontifex ejus nisi ad revertendum eum districta executione compellat, non peccat? In concilio quoque Laterano prohibitum est, ne "quisquam clericorum præsumat jurisdictiones "seculares sub principibus et secularibus viris, ut[4] "justitiarius eorum fiat[5], exercere; et siquis adversus "hoc venire temptaverit, ab ecclesiastico fiat ministerio "alienus." Districtius vero decernuntur puniendi reli-

Cant. v. 3.

Decret. Gratiani I. Distinct. 88. Apostol. Can. 7.

S. Gregor. Epist. X. 10. Opp. iii. 1048.

Concil. Lateran. 3. 1179, cap. xii. Mansi. xxii. 225.

[1] *converso*] contra, Sid.
[2] *iniquitatibus*] inquinantibus, C.C.C., Ox.
[3] *curas*] curam, Sid., Ox.
[4] *ut*] et, C.C.C.
[5] *fiat*] fiat, fiat, C.C.C., Ox.

giosi, si tale aliquid ausi fuerint attemptare. Plurima sunt etiam alia Canonum loca, quæ vos et vestrum concilium incomparabiliter melius novistis quam ego; in quibus evidenter prohibetur non solum religiosis, sed etiam clericis, ne judices seu cognitores secularium negotiorum existant, ne aliqua occupatione prorsus mundialis negotii inveniantur perplexi. Quomodo igitur abbates officium justitiariæ secularis exercentes, ac per hoc Canonum institutis inobedientes, in hoc a peccato sint immunes, nequaquam video. Quinimo etiam clericos quoscunque infra sacros ordines constitutos in hoc casu a crimine inobedientiæ excusare nescio. Videntur etiam clerici, qui, cum impetuntur in actione personali, subiciunt se judicio laicali, per inobedientiæ delictum et libertatis ecclesiæ violationem, manifeste peccare; cum Canones prohibeant clericos apud secularem judicem accusari, et a nemine laico dijudicari posse affirment, eumque qui cælestem militem pulsat, non nisi ejus debere forum sectari, plurimaque talia sanciant[1], ex quibus videtur sufficienter posse colligi, quod clericus ante civilem judicem non sit conveniendus[2], nisi forte agatur principaliter de feodo laicali. Concil. Carthag. III. 397, cap. ix. Chalced. 451, cap. ix.

Si igitur religiosi peccent seculare judicium exercendo, et clerici in actionibus personalibus accusati, seculari judicio se subiciendo; nunquid et nos qui curam eorum pastoralem habemus, non peccabimus, etiam semel eos hoc modo peccare permittendo? Nunquid si hoc vel semel permittimus, cum obstare possimus (licet forte non sine temporali dispendio) non erimus sicut murus dirutus et *maceria depulsa*, non suscipientes prius nec repellentes petrariorum ictus, sed ad cives occidendos, qui sub munimine And therefore the prelates sin in permitting it. Ps. lxi. 4.

[1] *sanciant*] sentiant, C.C.C.
[2] *conveniendus*] conveniens, C.C.C.

nostro tuti esse deberent, lapidibus de petrario proruentibus patentem et liberum dantes progressum? Nunquid sic non erimus *mercenarii, videntes* persecutionem imminentem, quasi *lupum venientem, dimittentes oves et fugientes?* Persecutio enim regiæ potestatis, quæ religiosos et clericos ad prædicta compellit, si ea faciendo peccent, quid aliud est quam lupus, morte peccati ad quod trahit oves occidens? Nos vero si persecutioni non occurramus, ejus impetum prius[1] sustinentes, et ne oves nostras peccato occidat fortiter obsistentes, quid aliud sumus quam[2] pastores viso lupo timide fugientes? Præterea si clerici libertati ecclesiæ derogant et sic matrem ecclesiam inhonorant, ac per hoc peccant cum seculari judicio se subiciunt; nos prælati qui ad mandatum regium compellimus eos super delicto accusatos in foro laicali respondere, non solum trepide fugiendo, eosdem a lupo crudeliter occidi damnabiliter permittimus, sed magis ipsimet, pro quibus fortiter mori debemus, in mortem atrocissime detrudimus. Absit hoc procul ab animarum episcopis et pastoribus; quibus, ut dilucide novistis, et præclare frequenter docuistis,[3] magis eligendum est non solum omnium terrenorum detrimentum facere, sed etiam mortem acerbissimam et probrosissimam, si posset etiam infinities, sustinere, quam vel semel peccare.

S. Joh. x. 12.

Nec est præsulum peccatum in hujusmodi mediocre; præsertim si contra statuta Canonum et decretalium epistolarum talia permittendo seu faciendo veniant; cum in consecrationibus suis solenni voto promiserint traditiones orthodoxorum patrum ac decretales sanctæ et apostolicæ sedis constitutiones se veneranter[4] suscepturos, docturos, atque servaturos.

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[1] *prius*] om. Sid.
[2] *quam*] nisi, C.C.C.
[3] C.C.C. inserts *sed.*
[4] *veneranter*] reverenter, Sid.

Quapropter paternitatis vestræ sanctitatem obtestor et adjuro per tremendum judicium, quatenus evidenter et dilucide mihi rescribat, sicut bonam vult reddere rationem pro me in eodem districto examine, utrum religiosi et clerici præscripta faciendo, et prælati qui curam eorum gerunt hæc aliquando permittendo vel dissimulando, vel quod majus est, ad mandatum regium ad talia compellendo, vel ob timorem insurgentis adversitatis correctionem talium, dummodo interim agantur, differendo, peccent, an non? quidque mihi meisque subditis, non secundum mundanæ sapientiæ, quæ deorsum est, consilium, nec etiam humanæ sapientiæ, quæ de medio est, sed divinæ sapientiæ *quæ de sursum est*, in tot et tantis e diverso venientibus impulsibus, sit certe et determinate faciendum? Et si in præscriptis peccetur, "hic estote murus aeneus," omni persecutionis impulsui pro nostra pusillanimitate prius[1] oppositus. Hic estote dux in castris Israel, præliantes prælium Domini cum viro fortissimo Juda Machabæo, *accipientes armaturam Dei ut possitis resistere in die malo, et in omnibus perfecti stare; succincti lumbos in veritate, induti loricam justitiæ, et calceati pedes in præparatione Evangelii pacis: in omnibus sumentes scutum fidei, in quo possitis omnia tela nequissimi extinguere; et galeam salutis assumentes et gladium spiritus, quod est verbum Dei.* Sic enim armati præcedentes[2] *scapulis vestris obumbrabitis nobis, et sub pennis vestris sperabimus*, et *cadent a latere vestro mille et decem milia a dextris vestris;* ad vos autem non appropinquabit *laqueus venantium neque verbum asperum, quia in omnibus viis vestris portabit vos angelus Domini*[3] *ne unquam offendatis ad lapidem pedem vestrum.*

S. Jac. iii. 17.

Hor. Epist. I. 1, 60.

He calls on the archbishop to come forward as a leader.

Eph. vi. 13–17.

Ps. xc. 4, 7, 3, 11, 12.

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[1] *prius*] om Sid.

[2] *præcedentes*] præsidentes, Sid.

[3] *in . . Domini*] For this C.C.C., Ox., read *sanctissimo prædecessori vestro martyri Thomæ invictissimo mandavit de vobis ut custodiat vos in omnibus viis vestris, qui in manibus portabit vos.*

XXIX.

1236. *Excellentissimo domino suo Henrico Dei gratia illustri regi Angliæ, domino Hiberniæ, duci Normanniæ, Aquitaniæ, et comiti Andegaviæ, Robertus divina permissione Lincolniensis ecclesiæ minister humilis, salutem, et tam debitam quam devotam cum sincera dilectione reverentiam.*

A request to the king that Richard Syward may be released from prison, as he has been marked with the cross.

Cum summus pontifex personas crucesignatorum et ipsorum bona, ex quo crucem assumpserunt, sub beati Petri et sua protectione suscipiat, necnon et eadem sub archiepiscoporum et episcoporum et omnium prælatorum ecclesiæ defensione consistere jubeat; prælatos quoque qui in exhibenda justitia crucesignatis et eorum familiis negligentes extiterint, graviter puniendos esse decernat, eosque qui contrarie præsumpserint per ecclesiarum prælatos, appellatione postposita, censura ecclesiastica compescendos esse constituat: hæc omnia attendens, ne negligentiæ reatum et inobedientiæ crimen cum pœnis sibi deputatis incurram, dominationem vestram, quanta [1] possum devotione, per præsentem paginam, et dilectum in Christo filium abbatem de Dorke [a], exorandam duxi, exhortandam, et commonendam in Domino, quatenus Richardum Syward militem parochanum meum, ministerio mei licet indigni crucesignatum, a carcere et vinculis liberari faciatis, attendentes, si placet, quod crucesignati per ipsam crucis assumptionem se devovent et sanctificant in defensionem fidei Christianæ et infidelitatis oppugnationem usque ad sanguinis effusionem et mortem. Si igitur terram assignatam et sanctificatam in sepulturam mortuorum et vasa assignata et sanctificata in

[a] Richard, abbat of Dorchester.

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[1] *quanta*] quantum, C.C.C.

varia ecclesiæ ministeria non licet regiæ potestati disponere, occupare, aut invadere; cum tamen hæc et hujusmodi omnia[1] sint incomparabiliter minora homine; et eorum sanctificatio, hominis sanctificatione; ministerium quoque in quod sanctificantur talia, minus ministerio defensionis fidei et oppugnationis infidelitatis usque ad effusionem sanguinis; quomodo licebit eidem potestati hominem crucis signatione devotum et sanctificatum in tantum ministerium, quo in[2] vita ista non potest majus aut sanctius inveniri, carceralibus vinculis mancipare; nisi forte post crucis signationem suam prophanaverit sanctificationem, aut ante crucis assumptionem sic fuerit prophanatus quod sanctificatione, id est, in ministerium divinum conversione per crucis signationem, fuerit indignus? Si itaque prædictus miles super hujusmodi prophanatione non sit convictus: *Misericordia et veritas*, quæ, sicut dicit Salomon, *custodiunt regem, et clementia qua roboratur thronus ejus*, (Prov. xx. 28.) et *hilaritas* regia, quæ descendit *sicut ros super herbam*, (Prov. xix. 12.) prædicti militis piam et citam stillent liberationem, ad honorem Crucifixi et libertatis ecclesiasticæ dilatationem; cujus *locum tentorii*, sicut monet Isaias, *dilatavit et pelles tabernaculorum extendit et funiculos longos fecit cordis vestri latitudo*, (Isai. liv. 2.) quam vobis cum Salomone dedit Deus *sicut arenam quæ est in littore maris*, (3 Reg. iv. 29.) ut per Spiritum Sanctum in corde vestro diffusum ad omnes se late longeque diffunderit per beneficiorum magnificentiam, et largissimam præstationem; ad nullos autem se coarctaret per eorum subtractionem, cum maxime sit magnificum et regiæ magnanimitati congruum et Evangelicæ perfectioni[3] consonum etiam inimicis benefacere. (S. Matt. v. 44, 48.)

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[1] *omnia*] om. Sid.
[2] *in*] om. C.C.C.
[3] *perfectioni*] veritati, C.C.C., (but corrected,) Sid.

XXX.

1236? *Viro nobili domino Philippo de Kima, Robertus divina permissione Lincolniensis Episcopus, salutem et sincerum caritatis affectum.*

Ph. de Kyme must not be angry because Grosseteste rejected his unfit presentee, and appointed another prior of Kyme.

1 Cor. xiii. 4.

Ps. vii. 10.

Scriptum est, *Caritas patiens et*[1] *benigna est*, ideoque tolerat æquanimiter gravia et aspera, non solum cum justa sunt, sed etiam cum sunt injusta. Scimus autem quod asperum et grave videtur vobis, quod in domo vestra de Kima, auctoritate Concilii, Priorem instituimus; sed si ferveat in vobis caritas, sine qua regnum Dei nullus possidebit, non graviter et aspere hoc feretis; præsertim cum in hoc facto nihil injustitiæ fuerit admixtum; nec nos, teste Deo, qui est *scrutator cordium* et cognitor secretorum, vestro juri quod salvum vobis esse cupimus, in aliquo derogare intenderimus; et si negotium velitis[2] subtilius perscrutari, animadverteretis non esse grave vel asperum, quod hucusque graviter et aspere tulistis. Nunquid enim grave est quod, minus idoneo rationabiliter repulso, magis idoneus et vobismetipsis, ni fallamur, utilior, sine præjudicio juris alicujus substituitur? an hoc vos gravat quod in hoc facto, vestro non sumus usi consilio? sed non solet, sicut[3] nec debet patronorum in hoc casu requiri consilium. Unde noverit vestra discretio, quod cassatis a nobis pluribus electionibus in monasteriis, quæ sunt de patronatu domini regis, irrequisito penitus ejus consilio, auctoritate Concilii, prælatos dedimus in eisdem, quos missos ad illum cum literis nostris ordinationem nostram continentibus, ipse sui gratia sine dilatione benigne

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[1] *et*] om. C.C.C.; est, Ox.
[2] *velitis*] velletis, Ox.
[3] *sicut*] sic, Sid.

suscepit, et in bonorum temporalium possessionem misit. Non pigeat igitur vos domini regis exemplum imitari, sed in ulnis caritatis vestræ Priorem quem secundum Deum canonice instituimus, dulciter suscipite; præsertim cum vir ipse honestus sit et religiosus et ad prioratum accesserit non sponte sed coactus. Si in hoc vos quisquam læserit, non ille, sed nos læsimus, qui renitentem compulimus. Ipsum igitur vestra foveat benignitas; a nobis vero exigat læsionis, siqua fuerit, emendationem; nos vero sub hac conditione vestro beneplacito satisfaciemus, et in aliis et in hac parte, quantum poterimus inoffensa rectitudine justitiæ.

XXXI.

Viro venerabili et in Christo carissimo Fratri Heliæ generali ministro Fratrum Minorum, Robertus miseratione divina Lincolniensis Episcopus salutem et sincerum caritatis affectum. 1236?

A request that Ernulphus, the pope's penitentiary, and R. de Rochester may be directed to pay attention to Grosseteste's business.

Gratiæ quam nobiscum fecistis in concessione fratrum nobiscum moraturorum, gratias quas possumus devotas referimus; dilectioni autem, quam plenam probavit dicta gratia, utinam possemus vices condignas rependere. Si enim redamando possemus vobis, licet non æquo tamen ex[1] parte correspondere, locis corporaliter distantes mutua jocundaque spirituum frueremur præsentia, spiritusque noster[2] cum spiritu vestro conflatus, in ejus ascensu coascenderet in cælestia. Et quia fervens calor etiam gelata quæ contingit, solvit, et vaporaliter plerumque sursum trahit; gaudemus non modicum quod caritatis vestræ fervor nos contingit,

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[1] *ex*] pro, C.C.C., Ox. | [2] *noster*] nostri, C.C.C.

quia speramus ex hoc contactu nostrum gelu solutum iri,[1] et per vaporem cælestis desiderii sursum fore ferendum. Et quia *caritas nunquam excidit* neque stat, sed incessanter crescit, donec *venerit quod perfectum est*, semper audendum est[2] a caritate semel probata confidenter petere etiam majora. Caritatem itaque vestram quam devotis possimus precibus postulamus,[3] quatenus fratri Ernulpho, domini Papæ Pœnitentiario, fratri quoque Radulpho de Rofa, si eum in curia stare contigerit, detis in mandatis, ut negotiis nostris expediendis, imo negotiis ecclesiæ, quæ per nostrum ministerium licet indignum desideramus[4] expediri, vigilanter et efficaciter intendant, quantum fieri poterit, salva ordinis integritate et honestate.

1 Cor. xiii. 8, 10.

XXXII.

1236?

Robertus Dei gratia Lincolniensis Episcopus dilectis in Christo filiis Willelmo[a] *Decano et Capitulo Lincolniensi salutem, gratiam, et benedictionem.*

[a] William de Tournay.

A licentious feast of fools forbidden in Lincoln Cathedral on the Circumcision.

Cum *domus Dei*, testante propheta Filioque Dei, *domus sit orationis*, nefandum est eam in domum jocationis, scurrilitatis, et nugacitatis convertere, locumque Deo dicatum diabolicis adinventionibus execrare; cumque Circumcisio Domini nostri Jesu Christi prima fuerit nec modicum acerba ejusdem passio, signum quoque sit circumcisionis spiritalis qua cordium præputia tolluntur, et omnes carnales voluptates sensuumque libidines amputantur; execrabile est Circumcisionis Domini venerandam solennitatem libidinosarum voluptatum sordibus prophanare. [5]Quapropter vobis mandamus in

Isai. lvi. 7. S. Matt. xxi. 13.

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[1] *iri*] ire, C.C.C.
[2] *est*] om. Sid.
[3] *postulamus*] pulsamus, Ox.
[4] *desideramus*] consideramus, C.C.C.
[5] *Qua*] Cujus, C.C.C.

virtute obedientiæ firmiter[1] injungentes, quatenus festum stultorum, cum sit vanitate plenum et voluptatibus spurcum, Deo odibile et dæmonibus amabile, de cætero in ecclesia Lincolniensi, die venerandæ solennitatis Circumcisionis Domini nullatenus permittatis fieri.

XXXIII.

Robertus Dei gratia Lincolniensis Episcopus dilecto sibi in Christo domino J. de Foxtone salutem et sincerum dilectionis affectum. 1236?

Gratias Deo referimus quod cum gratiarum actione molestias ægritudinum sustinetis, et amarum tribulationis poculum in suavitate patientiæ bibitis; quodque flagellum vobis proficit in eruditionem, vexatio in intellectum, et temptatio in probationem, *probatio vero in spem quæ non confundit.* Gratias quoque vestræ referimus caritati, quod ipsa Dominum nostrum Jesum Christum orat pro nobis, qui mole peccatorum pressi et occupationum distractione discerpti, subsistere non possumus, nisi orationum servorum Dei valido fulcimento sustentemur. Agimus insuper quam devotas possumus gratias vestræ prudentiæ, quæ orando tam salubriter commonuit, præparare nos illi foro, ubi *omnia erunt nuda et aperta oculis ejus, ad quem nobis sermo;* vestramque animavit timiditatem ad audendum contra Leviathan, vestramque imbecillitatem roborare curavit ad sufferendam temptationem, vestrumque torporem stimulavit ad faciendum abundanter bona et sustinendum fortiter mala, et sub brevissimo sermonis compendio, instruxit solum illum timere et trepidare, qui illuminat ad purgationem erroris, salvat ad exclu-

John of Foxton is requested to let Grosseteste have the books he intended selling, and he will pay the money for them.

Rom. v. 4, 5.

Heb. iv. 13.

[1] *firmiter*] om. C.C.C.

sionem doloris, et protegit ad munimen impugnationis, nec habere cor timidum, *si consistant ex adverso castra;* sed magis *sperare si exurgant ex adverso prœlia,* quia quanto fuerint adversantium acies plus conglobatæ, radiante terrifico lumine divinæ[1] illuminationis nostræ, majore ruina cadent infirmatæ. Oramus ergo Dominum nostrum Jesum Christum, qui est illuminatio et salus nostra, ut pro hac luminosa et salutifera instructione, vobis retribuat lucem et salutem perpetuam, vosque corroboret in adversis, quæ ad *patientiam* patimini quæ *habet opus perfectum.* Et det[2] cum Apostolo *gloriari in tribulationibus,* experientiaque sentire quid est, *virtus in infirmitate perficitur, et cum infirmor, tunc potens sum.* Cæterum retulit nobis dilectus noster in Christo dominus J. de Bannbery quod imitantes viam perfectionis Evangelicæ libros Sacræ Scripturæ quos habetis, disponitis vendere, pretiumque in pios usus distribuere. Quia ergo nos his opus habemus, vestram[3] affectuose rogamus dilectionem, quatenus si est ita, dictos libros nobis velitis concedere, eorumque pretium per portitorem præsentium nobis rescribere, solvendum vobis, per Dei gratiam, ad nutum vestræ voluntatis.

Ps. xxvii. 3.

Jac. i. 4.

Rom. v. 3.

2 Cor. xii. 9, 10.

XXXIV.

1236?

Venerabili in Christo fratri et amico carissimo Alexandro[a] *Dei gratia Coventriæ et Lichfeldiæ Episcopo, Robertus miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et sincerum in Domino fraternæ dilectionis affectum.*

[a] Alexander de Stavensby.

The bishop of Lichfield has spoken ill

Religionis sanctitas, religiosæque personæ, quam sint venerandæ atque ad imitandum proponendæ, multo melius quam nos vestræ novit fraternitatis dis-

[1] *divinæ*] Domini, C.C.C. Ox.
[2] *det*] dent, C.C.C.
[3] *vestram*] om. C.C.C.

cretio. Docuit enim vos efficacius tam religiosorum assidua familiaritas quam in vobismet ipsis sanctæ religionis jugiter experta veritas. Undé credibile non est, tantum sanctæ religionis amatorem, operisque factorem religiosi, religiosarum personarum existimationem religionisque earum honestatem in aliquo velle apud quosdam minuere[1]. Audivimus tamen a fide dignis, quod vos coram populo Cestriæ quibusdamque magnatibus quosdam de Fratribus Minoribus ita contumeliis affecistis, quod tam eorundem[2] personæ quam ordinis status in audientium odium et contemptum non immerito possent adduci, causamque hujus rei audivimus fuisse, quod ipsi Fratres Minores in civitate Cestriæ simul cum Fratribus Prædicatoribus vellent cohabitare. Quod incredibile, si verum est, non ex animi vestri deliberatione, sed ex ejusdem aliqua subita commotione credimus processisse. Scit enim vestra discretio, quam utilis est populo, cum quo habitant, Fratrum Minorum præsentia et cohabitatio; cum tam verbo prædicationis quam exemplo sanctæ cælestisque conversationis et devotione jugis orationis continue et indefesse portent pacem et patriam illuminent, suppleantque in hac parte, pro magna parte defectum prælatorum. Si autem forte timuistis ad horam, quod Fratrum Minorum apud Cestriam præsentia Fratribus Prædicatoribus ibidem[3] degentibus obesset, quasi utrisque non foret sufficiens ad victum civium populique eleemosyna; advertat diligentius vestra discretio, quam vana fuerit hujus timoris solicitudo,[4] cum experientia compertum sit, quod utrorumque fratrum in eadem civitate cohabitatio neutris vergat in egestatem sed utrisque in abundantiam. Eleemosyna enim[5] est

of the Friars Minors. Their zeal and usefulness.

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[1] *quosdam minuere*] quosquam imminere, C.C.C.; quosquam imminuere, Ox.

[2] *eorundem*] eorum, Sid.

[3] *ibidem*] ibi, C.C.C.

[4] *solicitudo*] surreptio, C.C.C.

[5] *enim*] om. Sid.

sicut fons vivus qui tanto copiosius fundit aquas, quanto
3 Reg. xvii. 14. uberius hauriuntur. Hæc est *lecythus olei, qui non*
4 Reg. iv. 7. *minuitur*, et oleum per Elysæum multiplicatum, quo
viduæ filii liberantur. Nec mirum cum Ei in suis membris egenti tribuatur qui simplicitatem materiæ multiplicavit in mundi molem et grani parvitatem multiplicavit in arboris magnitudinem, qui panes paucos multiplicavit in plurium milium satietatem, qui per se dives est et largus, plurium et majorum beneficiorum retributor quam sit acceptor. Cum igitur eleemosynarum largitio sit facultatum largientium copiosa multiplicatio, quomodo timeri potest, quod accipientium eleemosynas augmentatio sit ipsis egestatis occasio? quin imo sperari debet ex hoc majoris plenitudinis susceptio. Quia igitur dictorum Fratrum Minorum conversatio est[1] populi cum quo habitant ad agnoscendam[2] veritatem illuminatio, et ad currendum in viam pacis directio, tractus, stimulatio, et propulsio, defectuumque prælatorum sub quibus habitant non modica suppletio, aliisque pauperibus non egestatis, sed abundantiæ occasio; non[3] potest verus amator boni ex animi deliberatione tantum bonum repellere, sed magis totis conatibus attrahere. Cum igitur in vobis semper abundaverit et abundet veri boni fervidus amor; speramus quod perhibita deliberatione, dictos fratres non solum non repellet vestræ sanctitatis discretio, sed desideranter sibi adsciscet in adjutorium, et[4] quantumcunque fieri poterit per civitates vestræ diœcesis multiplicabit, vano timore sublato, quod eorum multitudo sit aliis egestatis occasio.

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[1] *est*] om. Ox.
[2] *agnoscendam*] cognoscendam, C.C.C., Ox.
[3] *non*] nec, C.C.C., Sid.
[4] *et*] om. C.C.C., Ox.

XXXV.

Sanctissimo patri et domino excellentissimo Gregorio Dei gratia summo pontifici, sanctitatis suæ servus Robertus[1] *divina permissione Lincolniensis ecclesiæ minister humilis, cum omni subjectione et reverentia devotissima beatorum pedum oscula.* 1236?

Etsi ex generali debito subjectionis, quo non solum populus Christianus, sed totum humanum genus obligatur, et sine cujus solutione nullus salutem consequitur, debitor sim sanctissimæ paternitati vestræ et excellentissimæ dominationi, plenitudinis obedientiæ et reverentiæ, honoris et timoris; specialis tamen prærogativa virtutum vestrarum et eximia refulgentia devotionem parvitatis meæ excitat suaviter, stimulat acriter[2], et urget fortiter ad exhibendum prædicta quatuor eisque similia non solum in mensura bona et plena, sed etiam in conferta et coagitata et superfluente. Cujus enim mentis aspectum in sui non raperet admirationem et stuporem, cujus quoque affectum in[3] sui non cogeret insuperabilem et invincibilem ab omni terrore, inseparabilemque dilectionem, superfervidus vester zelus animarum, superabundans largitio eleemosynarum, supereminens caritas familiaris dilectionis religiosorum, superanxia solicitudo non solum omnium ecclesiarum, sed et omnium regnorum, *super quæ cum gentibus suis constituti estis*, vice Jeremiæ, *ut evellatis et destruatis et disperdatis et dissipetis et ædificetis et plantetis?* Vestræ igitur, tanto virtutum jubare oculos etiam cæcutientium ubique ferienti, refulgentissimæ sanctitati, ex devotione non quanta vellem sed quanta

His devotedness to pope Gregory IX.; he desires the pope to give him some bodily task as a test.

Jerem. i. 10.

[1] *Robertus*] om. C.C.C.
[2] *acriter*] om. C.C.C.
[3] *in*] m°, C.C.C.

valeo[1], pronus offero in primis munus spiritus mei æstuans, videlicet desiderium[2] ad exhibendum vestræ sanctissimæ paternitati obedientiam et honorem, et excellentissimæ dominationi reverentiam et timorem, si, cooperante Domini gratia, vires agendi correspondeant æstui desiderii, non solum, ut supra dixi, in mensura plena, sed etiam in conferta et coagitata et superfluente. Non enim decet fastigium potestatis, ornatum supereminente claritate veritatis, honorari solum ex necessitate debitis, sed multo amplius ex bona voluntate gratuito supererogatis; quanquam et omnia quæ videntur supererogata, facilius dixerim tantæ tamque venerandæ excellentiæ districtius debita. Et quia motio affectionis in spiritu non manifestatur in via hujus vitæ, nisi per motionem actionis in corpore, ut munus spiritus præoblatum sanctitatis vestræ fulgori, non maneat penitus occultum, offero etiam me paratissimum, secundum parvitatis meæ modulum ad labores corporis, quos imposuerit nutus vestræ præceptionis. Nec sub vestræ præceptionis imperio, terrebit me, licet viribus parvulum, favente Spiritu Sancto, præcepti laboris magnitudo; cum dicat Apostolus: *Omnia possum in Eo qui me confortat;* et cum[3] vis amicitiæ, quæ minor dinoscitur virtute obedientiæ, res impossibiles, ut aiunt mundi sapientes, ad possibilem redigat facultatem; cumque in regula sua dicat beatus Benedictus, "si cui "fratri aliqua forte gravia aut impossibilia injungantur, "suscipiat quidem jubentis imperium cum omni man- "suetudine et obedientia; et si in sua sententia prioris "imperium perduraverit, sciat junior[4] ita sibi expedire, "et ex caritate confidens de adjutorio Dei, obediat." Si igitur etiam impossibilia aggrediendum est fortiter et confidenter ad prioris imperium; quanto magis ad

Phil. iv. 13.

S. Benedict, Regula. cap. 68.

[1] *valeo*] valet, C.C.C.
[2] *desiderium*] om. C.C.C.
[3] *cum*] om. Sid.
[4] *junior*] minor, Sid.

ipsius nutum, qui non statuitur in gradu prioris, sed in gradu primo, in loco videlicet Petri, Apostolorum orbisque totius principis. Et quia animi mei devotionem nondum ostendere potuit vestræ sanctitati, laboris alicujus impositi obediens et grata assumptio vel assumpti laboris pro viribus parvitatis meæ diligens executio; in devotæ subjectionis saltem parvulam ostensionem, quod possum facio, munusculum videlicet modicum, maximo mittere minimus confidenter præsumo; sciens veraciter quod vestræ sanctitatis[1] supereminens caritas non ponderat donum ex mole suæ magnitudinis, sed ex sincera devotione donantis, quanquam tantæ potestatis sanctitati nil reputem me posse dare quasi de alieno, sed solum offerre velut ex suo proprio. Incolumitatem vestram conservet Altissimus mihi et ecclesiæ suæ sanctæ per tempora longa. Amen.

XXXVI.

Venerabili in Christo patri domino Egidio, sanctæ Romanæ ecclesiæ Cardinali, Robertus permissione divina Lincolniensis ecclesiæ minister humilis, salutem et quam debitam tam devotam cum omni honore reverentiam. 1236?

Sicut super mundi cardines mundus innititur, eorumque fulcimine supportatur, ut opinati sunt et scripserunt quos mundi labor agitavit; sic super sanctæ Romanæ ecclesiæ cardinales, orbis terrarum qui non commovebitur, id est, universalis ecclesia quæ nullis commotionibus a stabilitate fidei deicietur, fixe innititur, **His veneration for the cardinals,**

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[1] *sanctitatis*] societatis, C.C.C.

et ab eisdem fortiter et firmiter sustinetur; ipsi enim
Ps. xvii. 16. sunt quos vocat Psalmus *fundamenta orbis terrarum;*
Job. ix. 13. ipsi sunt de quibus in Job scribitur: *Sub quo curvantur qui portant orbem;* dum enim curas ecclesiæ oneraque cunctorum tolerant, quasi sibi superimpositum orbem portant, et sicut in mundo visibili sol iste conspicuus suo præeminente lumine mundi tenebras purgat, singulariterque mundum illustrat, motuque suo ordinatissimo, ut opinantur mundi sapientes, cæteros motus corporales naturales ordinat et regulat; sic in orbe ecclesiæ summus pontifex vicem solis obtinet præcellenti luce doctrinæ et eximiorum operum, mundum purgans errorum tenebris, ad veritatis cognitionem singulari prærogativa eundem illuminans, omnes etiam motus actionum in universali ecclesia sua dispositione ordinans, regulans, et gubernans. Quemadmodum igitur, ut sentiunt hujus seculi exquisitores prudentiæ et intelligentiæ, mundi status, decor[1], et ordo, post mundi Conditorem angelicosque spiritus ad Conditoris nutum administratorios, debent se soli visibili, mundique cardinibus; sic, ut veraciter sentiunt qui quæ sursum sunt sapiunt, post mundi Conditorem et Redemptorem, curiamque cælestem ex spiritibus beatis angelorum et sanctorum adunatam; status, decor, et ordo universalis ecclesiæ debet se suo soli, suisque cardinibus; hoc est, summo pontifici sibique assistentibus cardinalibus; ideoque sanctæ Romanæ ecclesiæ debetur ab universis ecclesiæ filiis devotissima obedientia, honoratissima reverentia, ferventissimus amor, subjectissimus timor; et hæc et his similia ab eis debentur obligatius et fortius qui per sublimitatem[2] gradus ecclesiastici fastigio ecclesiæ, id est, summo pontifici et cardinalibus adhærent proximius; et sicut in cælesti hierarchia, unusquisque inferior ordo angelicus, prout summo capiti Deo, sibique immedia-

[1] *decor*] decus, Sid. | [2] *per sublimitatem*] sublimitate, Sid.

tissime assistenti supremo ordini proximius adhæret, ab eodem suscipit intelligentiæ lumen limpidius et caritatis ardorem ferventius, assistendique stabilitatem firmius et actum ministrandi nobilius; ideoque secundum gradus majoris approximationis, sublimiorisque a Patre luminum susceptæ illuminationis, fortius et consummatius in ejusdem Patris assurgit incessabiles gratiarum laudes, et omnium imperatarum actionum obedientes, promptas, et efficaces expletiones; sic et in hierarchia ecclesiastica, qui sacri principatus ordinem et universalis ecclesiæ unitatem non deserunt[1], quo sublimiores sunt in dignitatis ecclesiasticæ gradibus, eo a summo Pontifice sibique conjunctissime assistentibus cardinalibus lumen doctrinæ fidei et moderamen, quo oportet et decet in domo Dei conversari, suscipientes, propinquius[2] rependunt etiam et mentis spontaneam devotionem et injunctæ actionis executionem efficacius. Quia igitur et ego, licet indignus, in dignitatis episcopalis gradum sim sublimatus, fateor me tanto arctius et obligatius subjectionis et obedientiæ summo pontifici, sanctæque Romanæ ecclesiæ constitutum debitorem, quo gradum adeptus sum altiorem.

especially as he is now a bishop.

Desiderans igitur, non coactus sed spontaneus, prædicti debiti patri summo pontifici sanctissimo et sibi assistentibus venerabilibus patribus sanctæ Romanæ ecclesiæ cardinalibus solutor fieri, nunc præsentis paginæ insinuatione, alias per Dei gratiam alteriusmodi ostensione, votum devotæ solutionis vestræ specialiter discretioni[3] volui notificare, rogans quam possum humili et devoto affectu, quatenus in hoc meo voto suscipiat me favorabiliter benignitatis vestræ devotio. Vobis autem præ cæteris venerabilibus patribus sanctæ Romanæ ecclesiæ cardinalibus confidentius præelegi

He had formerly corre-

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[1] *deserunt*] desunt, C.C.C.
[2] *propinquius*] propius, Sid.
[3] *discretioni*] discretionem, C.C.C.

sponded with Cardinal Giles about his nephew.

scribere, quia vestræ magnificentiæ virtutes ex quorundam fido relatu novi amplius, et quia, si recolitis, quando fui archidiaconus Leircestrensis, pro speciali et amicissimo mihi in Christo magistro P. bono nepote vestro, in archidiaconatu prædicto beneficiato, mihi subscripsistis familiarius; in familiarem igitur et specialem dilectionem pronus in terram rogo, me vestrum specialiter vestra suscipiat benignæ caritatis amplexatio.

XXXVII.

1237? *Viro venerabili in Christo carissimo Fratri Reimundo, Ordinis Fratrum Prædicatorum, Robertus permissione divina Lincolniensis ecclesiæ minister humilis, salutem et sincerum in Domino caritatis affectum.*

A request that Fr. Raymund will examine and revise an accompanying paper on Lincoln diocese before its presentation to the pope.

Etsi faciem vestram corporalem non viderimus, credimus tamen firmiter nos nosse vos, quia ex fido relatu mores vestros et opera sapientialia [1] referentium, faciem novimus hominis vestri interioris; et nisi cognitio faciei interioris esset vera cognitio hominis, nullus seipsum veraciter noscet cum faciem propriam exteriorem nullus videat. Vobis igitur non quasi ignoto, sed quasi cognito, confidenter scribimus, imo potius quasi præsentes vos alloquimur, cum conjunctior sit animorum in Christo sese amantium quam posset esse corporum præsentia. Vestram itaque quam brachiis caritatis in Christo arctius amplexamur præsentiam, quæ non expectat meritis præveniri, sed gratuito prævenire festinat, omni qua possumus devotione rogamus, quatenus solicitudinis illius quam omnibus ecclesiis vigilanter et indefesse cum summa discretionis prudentia impertimini, particulam aliquam negotiis nostris, imo ecclesiæ

[1] *sapientialia*] sapientiæ, Sid.

nobis licet indignis[1] commissæ, per S.[a] clericum nostrum, latorem præsentium, vobis plenius exponendis, impertiri dignemini, intuitu Domini nostri Jesu Christi et confidentiæ quam de vestra benignitate reportamus, prædicta negotia diligenter examinantes, superflua resecando, imminuta addendo, distorta dirigendo, injusta, siqua sint, penitus abiciendo, ut de sub vestræ correctionis lima, per vestrum prudens consilium et efficax adjutorium a manu summi artificis, hoc est, summi pontificis, formam recipiant plenæ consummationis. Hoc autem in calce hujus pagellæ coram Deo loquentes caritati vestræ, quæ, sicut scriptum est, *omnia credit,* veraciter asserimus, quod in his negotiis quæ per vestræ benignitatis prudentiam promoveri cupimus, nihil transitorium, sed solam æternam salutem quærimus animarum.

[a] S. de Arden, v. epist. xliii.

1 Cor. xiii. 7.

XXXVIII.

Viro venerabili in Christo carissimo Fratri Ernulpho, domini Papæ pœnitentiario, Robertus permissione divina Lincolniensis ecclesiæ minister humilis, salutem. 1237.

A similar request to Ernulf, the pope's penitentiary.

Caritati vestræ, quæ, sicut nos prævenit cognitione, sic etiam prævenit speciali dilectione, insuperque beneficii præstantissimi exhibitione, sicut partim veraciter didicimus[2] ex fida plurium relatione, partim vero ex bonæ memoriæ Fratris Adæ Rufi, dilectissimi nobis in Christo quondam discipuli, tunc vero amici specialissimi, nunc autem, ut pie speramus, in curia summi Judicis patroni, rescriptione, gratiarum actiones non quantas vellemus, sed quantas possumus, cum summa devotione refundimus. Et quia primaria et

[1] *indignis*] indigne, C.C.C. Ox. | [2] *didicimus*] dicimus, C.C.C.

spontanea largitio beneficii primarium largitorem, ut sentit philosophus, constituit ad ampliora debitorem, jam non solum quasi spontaneum beneficium tota devotione suppliciter exoramus, sed etiam quasi constitutum debitorem vos interpellando coarctamus; quatenus negotiis nostris expediendis per S.[a] clericum nostrum, latorem præsentium, vestræ discretioni plenius exponendis, consilium et auxilium tantum[1] præstare taliter velitis, ut illum zelum animarum quo generaliter fervetis in omnium filiorum universalis ecclesiæ salutem, nos et filii ecclesiæ, nobis licet indignis commissæ, efficacia speciali sentiamus nobis profuisse; et eo si placet, efficacius, quo, teste Deo, non aliud quam salutem animarum in dictorum negotiorum expeditione quærimus; rogamusque toto affectu vestram dilectionem, quam gratuito sine nostris meritis nos præamplexantem brachiis vestræ dilectionis, quantum[2] arcte possumus in Christo reamplexamur, quatenus si in petitionibus nostris aliquid reprehenderitis quod in salutem animarum non proficiat, illud amputet vestra discretio, proculque abiciat, cum plurimum dedeceat episcopum curare, vel modicum, quod in salutem non[3] intendat animarum, cum nomen episcopale resonet *in supra intendere.*

[a] S. de Arden.

XXXIX.

1237. *Viro venerabili in Christo carissimo Ranfrido, domini Papæ notario, Robertus permissione divina Lincolniensis ecclesiæ minister humilis salutem et sincerum in Domino caritatis affectum.*

A request to the pope's no-

Si de nominis vestri titulo aliqua omisimus, aut non recte scripsimus, non imputet hoc nobis vestra

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[1] *tantum*] om. C.C.C., Ox.

[2] *quantum*] quam, Sid.

[3] *vel . . . non*] For this Brown has *nihil, vel modicum, nisi quod in salutem*; C.C.C., Ox. omit *non*.

benevolentiæ. Vos enim novimus non tam per nominationis vestræ proprietatem quam per morum vestrorum eximiam claritatem. Plurium enim fida relatione et præcipue dilectissimi nostri venerabilis viri domini Joannis de Ferentino, domini Papæ subdiaconi et capellani, Norwycensis archidiaconi, didicimus, quanto *timore Dei* cum Job *a malo receditis*, quanto amore ad bona fervetis, quanta discretionis prudentia in consiliis polletis, quanto strenuitatis vigore, dispensationem ministerii vobis creditam adimpletis. Ex his igitur et hujusmodi animi vestri virtutibus plenam de vestra benignitate concipientes fiduciam confidenter vobis scribimus, quia talibus ornatum insigniis caritate, quæ *omnia sperat*, fideliter amamus, supplici devotione rogantes, quatenus intuitu Dei negotia nostra, in quantum pertinent ad honorem Dei et ecclesiæ et ad animarum salutem benigne juvare, promovere, et expedire velitis. Et quia amor fervens interius non potest non erumpere in aliquam exteriorem ostensionem ad dilectionis erga vos conceptæ qualemcunque ostensionem, munusculum parvum vestræ mittimus benevolentiæ; sperantes quod illud benigne suscipietis, quia virtus qua polletis non ponderat donum ex ipsius mole sed ex donantis affectione.

tary that he will forward his affairs.

Job. xxviii. 28.

1 Cor. xiii. 7.

XL.

Viro venerabili in Christo carissimo Fratri Jordano, generali Priori Fratrum Prædicatorum, Robertus permissione divina Lincolniensis ecclesiæ minister humilis, salutem et sincerum in Domino caritatis affectum. 1237.

Credimus vestram caritatem memoriter tenere quanta familiaritate, cum fuistis Oxoniæ, vestra dulcis affabilitas ad privata nos suscepit frequenter colloquia,

A request that the Prior-general of

the Dominicans will interest some friars at the Roman court in favour of Grosseteste's business.

1 Cor. xiii. 8.

quantaque caritate sine nostris meritis gratuito vestri gratia nos amplexati estis; et quia *caritas nunquam excidit*, sed in hujus vitæ curriculo, ubi non deficit semper crescit, scimus quod nos nunc non minus quam tunc, sed multo amplius diligitis; ex[1] hac itaque familiaris dilectionis vestræ certitudine confidenter vos rogamus quatenus intuitu Dei scribere velitis affectuose et efficaciter aliquibus de fratribus vestris stantibus in curia, quatenus negotiis nostris promovendis et expediendis, in quantum pertinent ad honorem Dei et ecclesiæ et animarum salutem, diligenter et efficaciter intendant. Cæterum non latet vestræ caritatis discretionem quod nostra diœcesis qualibet alia in regno Angliæ constituta multo sit latior et copiosa plebis multitudine repletior; ideoque et nos pluri et efficaciori indigemus auxilio in verbi Dei prædicatione, confessionum auditione, pœnitentiarum injunctione; prudentiori quoque[2] consilio in variorum et novorum casuum cotidie emergentium secundum Scripturarum[3] intelligentiam sana et salubri determinatione; nec novimus tam efficacem in hac parte coadjutorem quam fratrem Johannem de Sancto Egidio, cujus animus nostram in hac parte contuens[4] indigentiam et necessitatem summam ad nostræ voluntatis preces sui gratia inclinatur, si vestræ caritatis interveniat licentia et assensus. Quapropter ad vestræ benignitatis pedes proni humiliter provoluti, quam possumus humili devotione supplicamus, et adjuramus per aspersionem sanguinis Domini nostri Jesu Christi, et per compassionem suæ dulcissimæ matris qua transfixa est astans in cruce pendenti, quatenus petitioni nostræ aures vestræ compassionis inclinantes prædictum fratrem Johannem licentiare, imo eidem præcipere velitis, quatenus benigne

Lincoln diocese the largest and most populous in England.

He begs that John of St. Giles

[1] *ex*] et, C.C.C.

[2] *quoque*] quo, C.C.C.

[3] *Scripturarum*] Scripturam, C.C.C.; Scripturæ, Sid.

[4] *contuens*] continens, C.C.C.

lateri nostro adhæreat, existens nostræ imbecillitatis fulcimentum, nostræ insufficientiæ supplementum, nostri torporis excitamentum, titubantis erectio, hæsitantis propulsio, tribulati consolatio. Vestrum igitur beneplacitum prædicto fratri Johanni et nobis super his per latorem præsentium significare velitis. may be constantly with him.

XLI.

Viro venerabili in Christo carissimo Fratri Heliæ, ministro generali Fratrum Minorum, Robertus permissione divina Lincolniensis ecclesiæ minister humilis, salutem et sincerum in Domino caritatis affectum. 1237.

Quia filii vestri, Fratres Minores in Anglia sui gratia specialiter et arctius brachiis caritatis nos amplexantur, nec potest affectio paterna a filiorum affectione sejungi, neque vis motiva capitis non agere in actu motionis membrorum, certi sumus quod vestra[1] caritas saltem in eorum dilectione sincera, nos sincera dilectione in Christo complectitur; ideoque quasi ad fidum in Christo amicum confidenter scribimus, omni qua possumus affectione devote supplicantes quatenus intuitu Dei et salutis animarum scribere velitis fratribus vestris stantibus in curia ut negotiis nostris promovendis et expediendis diligenter invigilent, quatenus eadem negotia tendunt ad honorem Dei et ecclesiæ et animarum salutem. Neque enim per sanctos Deoque dicatos alia quam sancta decet nos velle expediri. Et quia fratres vestros nos specialius et ferventius diligentes, specialius et affectuosius cæteris hominibus coram Deo redamamus, desideramus etiam in vos, qui caput eorum estis, He begs Fr. Helias, the minister general of the friars minors, to interest himself in Lincoln diocese.

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[1] *vestra*] nostra, C.C.C.

totum igniculum nostræ dilectionis effundere, cujus desiderii oblationem benigne rogamus, suscipiat vestræ caritatis humilitas, cum hac oblatione nil habeamus quod offeramus pretiosius. Ad hæc, quia nostra diœcesis qualibet alia in regno Angliæ constituta multo latior est et copiosa plebis multitudine repletior, et ideo nos plure et efficaciore indigemus auxilio, in verbi Dei prædicatione, confessionum auditione, pœnitentiarum injunctione, nec ad hæc et hujusmodi novimus tam efficaces coadjutores ut fratres vestros, ad vestræ benignitatis pedes proni provoluti, quam possumus humili devotione supplicamus, et adjuramus per aspersionem sanguinis Domini nostri Jesu Christi, et per compassionem suæ dulcissimæ matris qua transfixa est astans in cruce pendenti, quatenus petitioni nostræ aures vestræ compassionis inclinantes, duos vel quatuor de fratribus vestris quos vos vel minister fratrum in Anglia in hac parte decreverit, idoneos licentiare, imo eisdem præcipere velitis, quatenus benigne lateri nostro adhæreant, existentes nostræ imbecillitatis fulcimentum, nostræ insufficientiæ supplementum, nostri torporis excitamentum, titubantis erectio, hæsitantis propulsio, tribulati consolatio.

XLII.

1237. *Viro venerabili in Christo carissimo Fratri Ernulpho domini Papæ pœnitentiario, Robertus permissione divina Lincolniensis ecclesiæ minister humilis, salutem et sincerum in Domino caritatis affectum.*

Thanks to the pope's penitentiary for his attention to S. de Arden, Grosseteste's proctor.

Pro salubri consilio, affabili colloquio, et dulci solatio gratis et liberaliter exhibitis S. procuratori nostro, vestræ sincerissimæ caritati quantas valemus gratiarum actiones proni referimus, supplicantes attentius quatenus radix dilectionis erga nos habitæ, quam per exhibitionem operis novimus non solum pullulasse, sed

etiam in robur excrevisse, rigante Spiritus Sancti gratia, semper multiplicetur uberius, exurgat altius, frondeat virentius, floreat suavius, et fructificet fertilius.

XLIII.

Viro venerabili in Christo carissimo domino, Johanni de Ferentino domini Papæ camerario, Robertus permissione divina Lincolniensis ecclesiæ minister humilis, et salutem et sincerum in Domino caritatis affectum. 1237.

Quia caritatis latitudo neque stat neque coarctatur, sed semper se extendit in latius, ut quem semel in suos suscepit amplexus, semper suscipiat abundantius: scientes vos suscepisse nos in vestræ caritatis amplexus[1], quasi semper suscepti amplius, semper preces precibus accumulamus confidentius. Vestram igitur quæ nos gratis amplexata est caritatem, omni qua possumus devotione rogamus, quatenus S. de Arden procuratori nostro in curia, in negotiis nostris ad honorem Dei et ecclesiæ et ad animarum salutem expediendis, consilium et auxilium impendere velitis; scituri nos ad ea, quæ vestræ complacere debent dilectioni, semper esse paratos.

Begs the help and goodwill of J. de Ferentino for S. de Arden, his proctor at the Roman court.

XLIV.

Venerabili in Christo patri domino Tomasio, sanctæ Romanæ ecclesiæ cardinali, Robertus permissione divina Lincolniensis ecclesiæ minister humilis, salutem et quam debitam tam devotam cum omni honore reverentiam. 1237 ?

Ex fido relatu didici quod bonæ memoriæ Hugonem prædecessorem meum speciali et familiari caritate amplexata est vestra sincera dilectio, et ecclesiæ negotia,

Hopes that the love which Cardinal Tho-

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[1] *semper . . . . amplexus*] om. C.C.C.

masius had for his predecessor Hugh will be continued to himself.

cui nunc permittente Domino, licet indignus, præsideo, ob ejusdem favorem multo efficacius vestra promovit discretio. Cum igitur[1] amicitiam non finiat vita temporalis finita, dicente Scriptura, *Omni tempore diligit qui amicus est*, gratiam quam fecistis cum vivo, ex

Prov. xvii. 17.

amicitiæ lege facietis cum mortuo, ecclesiæ suæ negotia expedientes et promoventes more solito; non enim moriens, ecclesiæ cui præerat curam deseruit, sed ut haberi potest ex testimonio Johannis Chrysostomi: "Pastor bonus post mortem corporis, gregi cui præfuit, vigilantius intendit." Quicquid enim[2] in promotionem ecclesiæ, cujus curam non reliquit, et gregis cui intendit, a vestra fuerit impensum gratia, eidem ex eadem gratia veraciter impensum esse dinoscitur. Et quia ex lege amicitiæ cum ecclesia, cui dictus prædecessor meus præsedit, et ego nunc licet inutilis præsideo, vos colligatos invenio, cupiens hæc non dura sed dulcia vincula fortius et arctius constringi, in eadem vincula etiam me inicio; ex insertione enim plurium in eorum vinculorum ambitum vincitur arctius quilibet comprehensor. Nec timeo quod non suscipiat me nitentem in ipsum vestræ dilectionis amplexus; cum ego sim alter ille, non solum quia successi in ejus loco, sed quia ipse, retribuat ei Deus, per specialem dilectionem me suo unierat cordi et animo, quem vestræ tam specialis caritatis amplexata est latitudo. Ad pedes igitur vestræ paternitatis pronus et provolutus totis visceribus affectionis rogo, ut me in illo

Cant. viii. 6.

vestra suscipiat, sustineat, et portet dulcis et *fortis ut mors dilectio;* præsertim cum hæc sit natura dilectionis ut se dilatet ad suscipiendum omnem in ipsius amplexus conantem, et ut omnem susceptum constringat ne a suis amplexibus decidat. Certus igitur quod me in se conantem vestra non repellet dilectio, eam confidenter exoro, quatenus ecclesiæ negotia, cui præsideo,

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[1] *igitur*] om. Ox. | [2] *enim*] igitur, C.C.C.

tendentia et potentia in salutem gregis cui prælatus existo, eo promoveat modo quem ostendet eidem Sancti Spiritus unctio, et sic per mei et ecclesiæ mihi commissæ medium, eandem gratiam perseveranter faciatis cum prædecessore meo mortuo, quam vestri gratia fecistis cum eodem vivo.

XLV.

Venerabili in Christo patri, domino Egidio, Dei gratia Sanctorum Cosmæ et Damiani diacono cardinali, Robertus permissione divina Lincolniensis ecclesiæ minister humilis, salutem et quam debitam tam devotam cum omni honore reverentiam. 1237?

Epistolam reverendæ paternitatis vestræ per dominum Cestrensem[a] mihi transmissam nuper, sicut decuit, reverenter et devote suscepi, quam diligenter inspectam admiratus sum verborum floribus vernantem, eloquentiæ argento nitentem, auro sapientiæ fulgentem, et caritatis flamma rutilantem; quæ licet caritatis congaudentis veritati metas non excesserit, per caritatis tamen omnia credentis excelsiorem viam forti conatu incedens, metas non parum veritatis excessit, dum superfervido motu in anteriora et superiora simul se extendente, meque secum rapere conante supra id quod sum, seu potius supra nihil quod sum, præclaris laudibus me vehementer extulit. Gratias ago quantas valeo tantæ caritati; doleo quod meritis non[1] respondeo tantæ laudationi; sed nunquid falsitatis arguo tantam caritatem? Absit; est enim in extollente me supra me caritatis sinceritas, assertionis veracitas; in meo autem defectu, quia non coæquor asserentis sermoni, falsitas; poterit tamen, ut spero, juvante Domino, falsitas meæ defectionis ex parte aliqua reduci ad completionem veritatis, si donum pretiosum per epistolam transmissum avide

Thanks to Cardinal Giles for his letter sent by the bishop of Chester. [Lichfield.]

[a] Alexander de Stavensby.

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[1] *non*] om. Ox.

suscipiatur, suaviter collocetur, et provide, ne abscedat, custodiatur in ejusdem defectionis vacuo, velut in quodam repositorio soliditatis, siqua vel parvula in me est, superposito ad observationem[1] operculo; hoc enim donum caritas est donantis sua soliditate ejus cui donatur firmans infirma, sua profunditate suffulciens ruinosa, sua latitudine dilatans angusta, sua celsitudine sustollens demissa[2], sua plenitudine replens ejus vacua, sua lenitate complanans aspera, sua suavitate refovens dolentia, sua vivacitate vivificans emortua. Non enim potest donum caritatis assumens eum cui donatur in unitatem animæ et cordis, assumptum sibi non configurare et in sui similitudinem non commutare. Ex tanti igitur tamque magnifici doni pretio super omne pretium pretioso fiducialiter spero, non modicum mihi proventurum profectum et ad[3] perfectionem aliquatenus accedere posse meum imperfectum. Hujus

Job.xxviii. 13, 15.

muneris, sicut et sapientiæ, *nescit homo pretium, nec dabitur aurum obrizum pro eo, nec appendetur argentum in commutationem ejus.* Quid igitur pro tanto dono, ut gratus inveniar, æquale retribuam? Æqualem retributionem invenire non potero, donec æquali caritate amantem redamare potero. Valeat paternitas vestra in Domino.

XLVI.

1237 ? *Venerabili in Christo patri Egidio, Dei gratia Sanctorum Cosmæ et Damiani diacono cardinali, Robertus permissione divina Lincolniensis ecclesiæ minister humilis, salutem et quam debitam tam devotam cum omni honore reverentiam.*

He has given a prebend at Lincoln to

Magistrum Ricardum de Cornubia vestri testimonii titulus et suæ probitatis evidentia multipliciter apud me recommendatum reddiderunt; ideoque secundum

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[1] *observationem*] conservationem, Ox.

[2] *demissa*] dimissa, C.C.C., Ox., Sid.

[3] *ad*] om. Ox.

vestrum desiderium, simpliciter atque finaliter propter Deum, eundem magistrum in ecclesia Lincolniensi plantare curavi; locus tamen in quo plantatus est radicum ejus profundationi ramorumque dilatationi non satis nec sicut vellem correspondere dinoscitur; fructus enim præbendæ Sancti Martini in Dernesthall in qua institutus est, æstimationem viginti quinque marcarum non excedunt; et tamen in ecclesia Lincolniensi residenti quinquaginta marcas vel amplius singulis annis valere potuerint[1]. Non refugiat autem dicta planta in arcto prius plantari, cum soleant plantæ, de quibus est spes fructificandi, a peritis agricolis ab arcto in latius transferri. Recogitet etiam solicite quod plantæ super illam terram folia et fructus excusse dimittunt, de cujus pinguedine per radices humorem vegetantem trahunt. Verba igitur prædicationis et exempla sanctæ conversationis eorum cordibus præsens et fixus, Spiritus Sancti flatu excussus, dictus magister influat, de quibus accepturus est carnalia, unde vivat; et sicut in literæ vestræ tenore continetur, collectus a me totum se colligat ad ministerium Deo gratum mihi et ecclesiæ Lincolniensi, devote quoad vixerit et fideliter exhibendum. Non tondeat lanam et lac mulgeat, ovesque dimittat luporum morsibus laniandas, ne forte, quod absit, de illis sit pastoribus quibus per Ezechielem dicit Dominus: *Lac comedebatis et lanis operiebamini, et quod crassum erat occidebatis, gregem autem meum non pascebatis;* sed e contrario, cum Domino oves Dominicas pascat et accubare faciat; quod perierat, requirat; quod abjectum erat, reducat; et quod fractum fuerat, alliget, et quod infirmum, consolidet, et quod pingue et forte, custodiat, et pascat illas in judicio et justitia; nec abhorreat propter pascendas oves a Roma descendere in Angliam, cum propter eas redimendas Filius Dei Patris de sede majestatis descenderit ad ignominiam crucis. Et quia

Richard of Cornwall, at the request of Cardinal Giles. Its value. He is summoned into residence.

Ezech. xxxiv. 3.

As he will receive no

[1] *potuerint*] poterunt, C.C.C. Ox.

fruits from his prebend till Martinmas, Grosseteste invites him to stay with him till then.

dictus magister de fructibus dictæ præbendæ nil percepturus est usque ad festum Sancti Martini proximo futurum, rogo ut veniat usque ad dictum tempus sive[1] terminum, sicut unus de familiaribus clericis et commensalibus meis mecum moraturus. Hæc igitur eidem, si placet, vestræ paternitatis persuadeat discretio, ut *ipsa seminans et ille metens simul gaudeant* simulque mercedem recipiant. Vestræ autem serenissimæ caritati, non mea sed me quærenti, vires corporis offero ad obsequendum, et vires animi siquæ sint, ad diligendum; obsecrans ut latitudinis suæ sinum mihi aperiat, avideque intrantem recolligat, et foveat recollectum. Valeat in Deo paternitas vestra.

S. Joh. iv. 36.

XLVII.

1237 ? *Robertus Dei gratia Lincolniensis Episcopus, viro venerabili magistro Ricardo[2] de Cornubia, salutem et sincerum in Domino caritatis affectum.*

Offer of a small prebend with cure of souls to Richard of Cornwall.

Considerantes quod de vestra eminenti scientia, moribus laudabilibus eximie ornata, favente Domino, multus sit oriturus fructus animarum; cupientesque fructus illius participes fieri, præbendam quandam, cui cura animarum est annexa, in ecclesia nostra vobis contulimus; quam, licet sit parva, non recusetis, ne forte, quod absit, possit de vobis suspicari, vos contra doctrinam Apostoli dicentis, *Non quæro quæ vestra sunt, sed vos*, non oves sed quæ ovium sunt quærere velle. Quærentes igitur cum Apostolo ipsas oves, veniatis ad ipsas, pasturi eas verbo prædicationis, exemplo sanctæ conversationis, et devotione puræ orationis; in his enim tribus, ut scitis, consistit pastio Dominici gregis; quæ tria cum non possitis absentes perficere, vestram præsentiam perseverantem exhibeatis, ne in reddenda ratione deficiatis, cum dicetur: *Redde rationem villicationis tuæ.*

2 Cor. xii. 14.

S. Luc. xvi. 2.

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[1] *tempus sive*] om. Ox. | [2] *Ricardo*] Roberto, C.C.C., Sid.

XLVIII.

Viro venerabili et in Christo carissimo domino Simoni de Monteforti, Robertus miseratione divina Lincolniensis ecclesiæ minister indignus, salutem et sincerum dilectionis affectum. 1238.

Simon de Montfort is warned of the injustice of excessive punishment, he being about to deal too severely with S., a burgher of Leicester.

Sicut sentiunt sancti et justi, æqua iniquitas est non punire nocentes et punire innocentes. Is igitur ad quem ex officio spectat aliorum correctio, si transgressiones eorum non puniat, iniquus est; unde et regem Saulem legimus reprobatum, quia pepercit regi Amalechitarum, quem debuit ex Domini præcepto interfecisse. Ex adverso igitur colligimus quod punire nocentes æquum est et pium, apud Deum et homines approbatum; innocentes autem punire, crudele est et ferinum, imo et diabolicum; quid enim est hoc aliud quam lupino more in agnos desævire, vel more diaboli innocentes arripere et vexare? (1 Sam. xv. 23.) Nocentes autem citra meritum punire, misericors justitia est et imitatio[1] Christi qui omnes punit citra meritum. Punire autem nocentes ad meriti correspondentiam et æqualitatem, severa justitia est, vel potius forte justitia non est, cum careat admixtione misericordiæ, nec aliud est quam promereri judicium sine misericordia; cum scriptum sit: *Judicium sine misericordia erit ei qui non fecerit*[2] *misericordiam.* (S. Jac. ii. 13.) Nocentes autem punire supra meritum manifesta iniquitas est; in quantum enim punitio excedit delictum, in tantum punitur innocentia. Qui[3] igitur supra mensuram delicti nocentes puniverint, in crimen et reatum punitionis innocentiæ incidunt. Punientes autem innocentiam socii sunt Herodis, qui innocentes occidit; imo socii

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[1] *imitatio*] unitatem, Ox.
[2] *fecerit*] præstiterit, Sid.
[3] *Qui*] Cui, C.C.C.

eorum qui Agnum innocentem, Dei Filium, crucifixerunt. Si autem punitio, quæ modum excedit delicti, pœna fuerit pecuniaria[1], hujusmodi punitores de tanto sunt fures et prædones, quanta est portio pecuniæ secundum quam exceditur mensura culpæ. Fures autem et prædones, judicio tam veteris legis quam novæ, nisi resipuerint et ablatum restituant, condemnati sunt perpetuis ignibus gehennæ; plerumque etiam in hac vita recipiunt pœnam quam ipsi intulerunt, dicente Scriptura: *Væ qui prædaris, nonne et ipse prædaberis?* (Isai. xxxiii. 1.)

(Ovid. Ars Amator. I. 655.)

" Neque enim lex justior ulla est,
" Quam necis artifices arte perire sua."

Exuunt quoque tales prædones naturam humanam et induunt ferinam, mutati interius in leones, licet exterius in corpore figuram gestent humanam. Unde (Ezech. xix. 3.) et propheta de singulis[2] talibus dicit: *Leo factus est et didicit capere prædam, hominesque comedere.* (Isai. i. 15.) Talium *manus*, sicut dicit Esaias, *sanguine plenæ* (Mic. iii. 3.) *sunt;* quibus non solum homines excoriant sed etiam exossant; nunquid igitur tales regnum Dei (Isai. ix. 5.) possidebunt? Absit; quia *vestimentum mixtum sanguine erit in combustionem et cibus ignis.* Audi adhuc quid per os prophetæ promittat Dominus thesaurizantibus iniquitatem et rapinas in ædibus suis: (Amos iii. 11.) *Propter hæc,* inquit, *tribulabitur et circuietur terra et detrahetur ex te fortitudo tua, et diripientur ædes tuæ.* Et iterum per eundem prophetam dicit: (Amos v. 11.) *Pro eo quod diripiebatis pauperem et prædam electam tollebatis ab eo, domos quadro lapide ædificabitis et non in eis habitabitis; vineas amantissimas plantabitis et non bibetis vinum earum.* Humano generi et singulis de humano genere in

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[1] *pœna fuerit pecuniaria*] om. Sid. | [2] *singulis*] om. Sid.

pœnam primi peccati dictum est: *In sudore vultus* Gen. iii. 19.
tui vesceris pane tuo; non dixit, *in sudore vultus alieni vesceris pane alieno.* Qui ergo aliena rapientes de lacrymis et laboribus alienis vivunt, in communi pœnitentia humani generis non sunt; et ideo non *cum* Ps. lxxii.
hominibus sed cum dæmonibus *flagellabuntur.* Quam 5.
horrendum sit itaque innocentes punire et deprædari; quod crimen etiam committunt, qui nocentes supra modum puniunt, aliquantulum ex præscriptis potest elucere. Quia igitur vestram ingenuitatem brachiis caritatis arctius amplexamur; si in tam horrendum malum incideretis, doleremus quamplurimum. Videntes igitur vos, si vera sunt quæ audivimus, quasi titubantes ad hujusmodi lapsum, præsentis paginæ commonitione volumus labentem a lapsu eripere. Audivimus enim quod S. burgensem vestrum de Leircestria disponitis punire, non quidem secundum modum et mensuram culpæ suæ, sed supra modum culpæ suæ[1], modum excedentes in punitione; quod, Deum oro[2], longe sit a vobis; ne exuentes hominem, induamini leoninam imo diabolicam feritatem, hominum facti manibus excoriatores sanguinolentis, exossatores, et tandem comestores, Herodis et crucifixorum Christi effecti socii, furti et deprædationis criminis rei, ac per hoc ignibus gehennæ addicti, in hac vita forte propter hoc deprædandi fortitudinem amissuri, direptionem[3] expulsionemque passuri, in communi hominum pœnitentia non victuri. In prædictum itaque burgensem non sæviat atrocitas; non rigida sit severitas; sed *superexaltet* S. Jac. ii.
judicium vestræ misericordiæ pietas; ut sitis exemplum 13.
clementiæ et mansuetudinis et non magister crudelitatis. Valete.

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[1] *suæ . . . . suæ,*] om. Sid.
[2] C.C.C., Ox. read *quod oro Deum et beatam Dei genetricem.*
[3] *direptionem*] deceptionem, Sid.

XLIX.

1238. *Venerabili in Christo patri Othoni Dei gratia Sancti Nicholai in carcere Tulliano diacono cardinali, apostolicæ sedis legato, Robertus miseratione divina Lincolniensis ecclesiæ minister humilis, salutem, et quam debitam tam devotam obedientiam et reverentiam.*

Reasons for refusing a prebend at Lincoln to a clerk sent by Cardinal Otho.

Literas sanctitatis vestræ ea qua decet reverentia suscepi, continentes quod vos præbendam, quam quondam magister R. de Wermenister in Lincolniensi ecclesia obtinebat, clerico vestro magistro Actoni duxistis conferendam. Inprimis itaque vestræ notum sit sanctæ paternitati, quod dictam præbendam contuli antequam vestræ sanctitatis literas suscepissem. Secundo vestram sanctitatem latere nolo quod ab obedientia sanctæ Romanæ ecclesiæ, non timore coacta sed caritate protensa, *tribulatio aut angustia aut persecutio* aut cæterorum aliquid quæ enumerat Apostolus, meam parvitatem, adjuvante Christi gratia, *non separabit.* *Scrutatorem* quoque *cordium* et cognitorem occultorum testem invoco, quod ad præceptum domini Papæ et vestrum etiam qui ejus fungimini auctoritate, in ultimas Saracenorum regiones pro fide Christi et caritate inserendis et promovendis, usque ad sanguinis effusionem, licet corpore infirmus sim et debilis, hilari et jocundo animo iter arriperem; nec posset mihi a tanta auctoritate onus imponi quod ad fidem et caritatem promovendas tenderet, quod, quanto et quamdiu possem, cum caritativa congratulatione non portarem. Sed quod ad caritatis dissolutionem tendit non possum non ferre moleste. Et cum debeam secundum Evangelium vivere, quod præcipit solum *Illum timere qui potest et corpus* et *animam in gehennam mittere,* non coercebit me vestræ potestatis timor, quem urget

Rom. viii. 35.

Ps. vii. 10.

S. Matt. x. 28.

caritatis ardor, a dicenda veritate. Scio et veraciter scio, domini Papæ et sanctæ Romanæ ecclesiæ hanc esse potestatem, ut de omnibus beneficiis ecclesiasticis libere possit ordinare. Scio quoque quod quisquis abutitur hac potestate, ædificat ad ignem gehennæ; scio etiam quod hac potestate abutitur, quisquis ad fidei et caritatis promotionem ea non utitur; scio insuper quod cum beneficia ecclesiastica auctoritate potestativa conferuntur, non requisito prius patronorum assensu, maxime quando de facili posset requiri, omnium teterrima odia in se provocant conferentes, præterquam eorum, quibus talia conferunt, et qui patronos beneficiorum sic collatorum odiunt. Est enim hoc patronis verecunda confusio, dolor eorum qui ipsos diligunt; et qui eos odiunt, gaudent, derident, et exprobrant; et sic cedit omnibus in scandalum. Quod quam grave sit, non opus est admonendum. Non igitur per hanc viam ædificatur ecclesia, sed magis destruitur; non promoventur fides et caritas, sed repelluntur, et contra mandatum principis Apostolorum item monentis, ut prælati sint *non ut dominantes in clero, sed formæ facti gregi ex animo.* Non debuit igitur, si placet, vestræ sanctitatis prudentia hæc et hujusmodi attendens, ecclesiæ meæ præbendam sine me conferendo, meam parvitatem vobis devotissimam et obedientissimam confudisse, præsertim cum paratam semper habuerim et habeam voluntatem, in tanto quantum valet illa præbenda et etiam in pluri, alicui de vestris, non coactus ad meam et ecclesiæ mihi commissæ confusionem, sed spontaneus ad caritatis ædificationem, liberaliter providere; licet post meam consecrationem in episcopum, nepos domini Papæ promotus sit in unam de optimis præbendis Lincolniensis ecclesiæ. Ad pedes igitur vestræ sanctitatis provolutus supplex rogo, ut vestra benignitas suam dictæ præbendæ collationem revocet, ne tanquam abjectissimus omnium a vestra dilectione faciem meam ad vos, aut

Interference with the right of patrons can only cause scandal.

1 Pet. v. 3.

fratres meos episcopos, aut ad mihi subditos levare non possim præ confusione. Valeat paternitas vestra in Domino.

L.

1238. *Robertus, Dei gratia Lincolniensis Episcopus, dilecto in Christo filio Roberto*[a], *Archidiacono Lincolniensi salutem, gratiam, et benedictionem.*

[a] Robert de Hayles.

He intends to preach to all the clergy of the diocese assembled in their deaneries.

Quoniam debitores sumus evangelizandi verbum Dei omnibus de diœcesi nostra, nec hoc possumus per os proprium adimplere præ multitudine ecclesiarum parochialium, populique non modica numerositate, remedium in hac parte aliud non habemus, nisi ut cum transitum facimus per diœcesim nostram, rectoribus ecclesiarum, vicariis, et sacerdotibus parochialibus per singulos decanatus[1] coram nobis congregatis, ipsis verbum Dei prædicemus, instruentes eosdem qualiter populum sibi subjectum verbo doceant et conversationis suæ exemplo informent; ut quod per nosmet ipsos implere non possumus, saltem eorum ministerio quoquomodo faciamus. Ideo vobis mandamus [ut] decanos archidiaconatus vestri præmoneatis[2], ut prompti sint ad convocandum coram nobis prædictos rectores, vicarios, et sacerdotes locis et temporibus quibus eis mandabimus, ne in prædicando aut aliis exequendis quæ ad nostrum spectant officium, inveniamus impedimentum. Faciatis insuper præmoneri[3] omnes rectores ecclesiarum archidiaconatus vestri, quorum ecclesiæ sunt dedicandæ, ut omnia habeant parata quæ sunt necessaria ad dedicationis celebrationem, cum secundum statuta Concilii Londoniensis oporteat infra hoc sequens biennium

The archdeacon is to cause them to meet.

All churches to be consecrated must be ready. Constit. Otho. I. Wilkins, i. p. 650.

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[1] *decanatus*] Sid. has *diaconatus*, but in addition has *decanatus* in the margin.

[2] *præmoneatis*] præmuniatis, C.C.C., Ox.

[3] *præmoneri*] præmuniri, CCC., Ox.

omnes ecclesias non dedicatas dedicare. Et quia per procurationes nostras aliquos gravare non intendimus, nec possemus de facili a rectoribus ecclesiarum in domibus suis sine eorum non parvo gravamine, ut credimus, procurari; rogamus ut de modo et quantitate pretii dictarum procurationum recipiendarum, vestrum nobis rescribatis consilium. Significetis etiam nobis qui beneficiati vel sacerdotes vel infra sacros ordines constituti, convicti vel confessi coram vobis super incontinentia, obligaverunt se ad beneficiorum resignationem, vel aliam pœnam canonicam, si accidat eos in idem vitium recidivare, et instrumenta eorum qui se per instrumenta obligaverunt, vel eorundem instrumentorum transcripta, nobis faciatis habere. Valete.

He asks for advice as to procurations, and information respecting clerks guilty of incontinence.

LI.

Robertus Dei gratia Lincolniensis Episcopus dilecto in Christo filio magistro Thomæ Walensi, canonico Lincolniensi salutem, gratiam, et benedictionem. 1238.

Roberto[a] archidiacono Lincolniensi viam universæ carnis ingresso, (cujus animæ propitietur Deus,) contulimus archidiaconatum Lincolniæ cum præbenda quam dictus archidiaconus tenuit, tibi, in prædicto archidiaconatu residere parato. Non enim, terrente nos timore Dei, ausi sumus tantam curam animarum alicui conferre, nisi ei qui ipsam curam per se præsentialiter vellet agere. Ipsa enim cura, ut tu etiam bene nosti, non mediocriter magna est, sed magna valde, egens rectore semper præsente, vigilanter, prudenter, diligenter, et potenter eidem intendente; qui *verbum Domini opportune, importune prædicet, seipsum exemplum bonorum operum præstat*, cum dicit monita salutis et non exauditur, anxie doleat, uberrime fleat, qui etiam *manus suas ab omni munere excutiat*, pœnas pecuniarias quas a delinquentibus in delictorum puni-

Offer of the archdeaconry of Lincoln with a prebend to Thomas Walensis.

[a] Robert de Hayles.

2 Tim. iv. 2.

Tit. ii. 7.

Isa. xxxiii. 15.

tionem accipit[1], tam evidenter in pios usus expendat, ut propter earum receptionem nulla possit cupiditatis nota denigrari; qui insuper, cum accusatum juste possit absolvere, congaudeat, cum ex justitia quenquam condemnare cogitur, ex compassione condoleat; quem etiam a veritate judicii non flectant amor aut odium, timor aut spes, preces aut pretium, seu aliqua acceptio personarum, nec decipiat, *ut a vero judicio deviet, sententia plurimorum.* Cujus deliciæ sint sobrietas et abstinentia, cujus quies labores et vigiliæ, cujus totum desiderium sit animabus prodesse; cui sit præesse grave et onerosum; tamen propter bonum aliorum sit hoc onus humiliter susceptum fortiterque portatum.

Exod. xxiii. 2.

His reasons for the offer, and advice as to its acceptance.

Quia igitur te talem in regimine pastorali præ aliis qui nostræ memoriæ occurrebant, futurum firmissime speravimus, dictum onus tibi præ aliis imponere decrevimus. Novit enim Deus quod si occurrisset memoriæ nostræ quem ad dictum regimen credidissemus utiliorem, eundem tibi in hujus oneris[2] collatione præposuissemus; unde certus esse poteris, quod non ut te ditaremus, sed ut animabus consuleremus, in hujus solicitudinis partem te vocavimus. Si igitur salutem animarum, imo si Ipsum diligis qui dicit Petro, nobisque in ipso, *Si diligis me, pasce oves meas,* onus pascendi non abicias, laborem non refugias, nec his assumptis fatigeris in ipsis; hujusmodi enim fatigationem sola generat desidia; amor vero salutis animarum, qui *fortis est ut mors,* non potest in his fatigationem sentire. Sed, ut suspicamur, durum tibi videbitur scholas deserere, cathedram magistralem ut sacram Scripturam doceas non ascendere; dicentque tibi plurimi quod non dimittas sapientiam pro divitiis, fructumque quem in scholis docendo facere poteris, pro dignitatibus; arguentque te cupiditatis et ambitionis quasi relinquas bona animi pro

S. Joh. xxi. 17.

Cant. viii. 6.

[1] *accipit*] acceptas, Brown, omitting *quas* previously.

[2] *oneris*] honoris, Brown.

bonis corporis et spiritalia pro temporalibus; fatemur utique nobis etiam non modicum esse durum et grave te a scholis abstrahere, considerantes quam, adjuvante Christi gratia, in scholis posses fructificare. Sed quis dubitat minora et incertiora bona pro majoribus et certioribus bonis esse relinquenda? Quis etiam dubitare potest quin majus bonum sit tantam curam animarum humiliter et solicite peragere, quam in cathedra magistrali sapienter docere? Alioquin summa sapientia, Dei Filius, in carne cum hominibus conversatus sedisset, sapienter docens sapientiam in cathedra, et non *circuisset civitates et castella*, ægrotos curans (S. Matt. ix. 35.) et humiliter populo prædicans: *Pœnitentiam agite, appropinquavit enim regnum cœlorum;* (S. Matt. iv. 17.) alioquin non plus esset facere quam docere, nec melior doctrina operis quam verbi. Multo quoque certius est quod, si vis, potes hoc regimen animarum perficere, quam in cathedra sacram Scripturam docere, quia hoc non jam præ foribus est, sed, si vis, infra fores; illud autem adhuc præ foribus est, poteritque excludi aut infirmitate aut aliis fortuitis casibus innumeris. Multum etiam tibi timendum est, quod si pro docendo aliquot scholares Parisius *in sublimitate sermonis sapientiam*, (1 Cor. ii. 1, 2, 4.) renuas docere[1] multum multipliciter plures oves Jesu Christi simplices in infirmitate, sed tamen[2] *in ostensione spiritus et virtutis, Jesum Christum et Hunc crucifixum*, utrumque tibi in justam pœnam auferatur; videlicet, ut nec unquam[3] scholares in cathedra *solido cibo*, nec simplices oves Christi, *lacte* simplicis (Heb. v. 12.) doctrinæ pascas. Et periculum igitur et iram Jesu Christi devitans, et bonum majus et certius assumens, duritiem recedendi a scholis tam nobis quam tibi mollem facias. De eo autem quod plurimi tibi persuadebunt quod sapientia non est deserenda pro divitiis, nec fructus docendi pro dignitatibus, non est

[1] *multum*] inter multum, Sid.
[2] *tamen*] om. Ox.
[3] *unquam*] nunquam, C.C.C., Ox.

necesse prudentiam tuam instruere, cum, adjuvante Christi gratia, non sis talia facturus. Non enim, Ipso te dirigente, sapientiam deseres, sed multiplicius quam in scholis sapientiam invenies et exercebis[1]; nec divitiis curæ spiritali annexis seu dignitatibus transitoriis amore illicito adhærebis. Absit enim ut anima, quam decoravit lux sapientiæ, amplexetur stercora. Nec argui poteris cupiditatis aut ambitionis, si spiritalia assumis, annexis bonis temporalibus; sed argui posses, si temporalia assumeres quasi principalia, et quasi eis dependenter adnecterentur bona spiritalia. Hanc tamen redargutionem nullus potest facere, nisi solus Ille qui
Apoc. ii. 23. *renum et cordium est perscrutator;* quia Ille solus novit qua intentione talia suscipiuntur. Si tamen antiquus hostis, æmulorum ministerio, hujusmodi jacula jaculet in te, si opus Dei ad quod vocaris, facias, jaculabit utique non minus acuta ex parte altera si idem non facias; clamabitur enim de te quod ex appetitu inanis gloriæ tanta bona tamque sancta et
Eph. vi. 16. Deo, accepta imprudenter et stulte dereliquisti. *Scuto* igitur *fidei* undique munitus, jacula inimici sapienter fortiterque repellas, solumque Dei honorem ac animarum salutem respiciens ut facias, jugum oneris tibi impositi humiliter subeas, fortiter, et discrete, perseveranterque trahas, cum, etiamsi juberet Dominus quantumcunque vilia, quantumcunque probrosa, quantumcunque gravia et onerosa, supportare deberes alacriter, non solum scholas honoresque scholasticos, sed etiam omnem hujus vitæ sublimitatem, suavitatem, et jocunditatem fortiter deserendo; caveasque, oramus te et adjuramus per Salvatorem nostrum Dominum Jesum Christum, ne nostra de te concepta nos unquam fallat opinio, ne (quod absit) tu reprobus sis coram Deo, et nos coram hominibus de te confundamur; sed
Jerem. xlviii. 10. ministerium tibi traditum sic compleas, et *opus Dei*

[1] *et exercebis*] for this C.C.C. and Ox. read *Cum scriptum sit quod timor Domini quem multiplicius exercebis quam in scholis sit sapientia.*

non negligenter, nec *fraudulenter*, sed diligenter, fideliter, et prudenter sic peragas, ut, quemadmodum Paulus ait ad Timotheum, *nemo adolescentiam tuam contemnat*. Valete. 1 Tim. iv. 12.

LII.

Reverendo[1] *in Christo patri, Othoni Dei gratia Sancti Nicholai in carcere Tulliano diacono cardinali, apostolicæ sedis legato Robertus miseratione divina Lincolniensis ecclesiæ minister humilis, salutem, et quam debitam tam devotam obedientiam et reverentiam.* 1238?

His scruples about appointing the son of earl Ferrers to a benefice, as he is too young, and not in holy orders.

Sanctitatis vestræ literas recepimus in forma deprecatoria ut Thomam clericum, natum nobilis viri comitis de Ferrare, licet ad obtinendum ecclesiasticum beneficium quoad ætatem defectum aliquem patiatur, nec sit in sacris ordinibus constitutus, quia tamen docibilis est, et nobilis, et per eum toti ecclesiæ Anglicanæ multa bona, dante Domino, poterunt pervenire, ad ecclesiam de Randes[a] admitteremus. Novit Deus quod sanctæ paternitatis vestræ preces et mandata promptissime et obedientissime desideramus effectu complere; speramus etiam quod precibus non hortamini neque mandato præcipitis quod nostram aliquatenus remordet conscientiam; sed, ut novit vestræ sanctitatis discretio, quod sapientiorem et ferventiorem non remordet, plerumque remordet timidiorem; ac per hoc, quod potest perfectior sane facere, non potest illud idem imperfectior, nisi cauteriatus attemptare. Quia igitur ex nostra imperfectione timidam habemus conscientiam, et maxime in constituendo et instituendo pastores animarum, præfatum Thomam, in statu quo adhuc est existentem, non audemus, remordente nos conscientia nostra timida, ad curam

[a] Rand in Lincolnshire.

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[1] *Reverendo*] Venerando, C.C.C.

admittere pastoralem. Faciunt autem nos in hac parte vehementer timidos non solum Scripturæ auctoritas canonumque sanctiones, quæ a perfectione multum adhuc longinquos, licet de eis sit spes bona, non constituunt rectores; sed etiam quædam quæ cor nostrum multum tangunt, et ut nobis videtur, non modicum coarctantes rationes. Quis enim constitutus ad salvandam quandam congregationem hominum collocatam in navi in mari tempestuoso et scopuloso, tradit ejusdem navis gubernaculum et regimen ei qui adhuc penitus ignorat artem navalem, aut quem non afficit solicitudo de his, qui sunt in navi, salvandis, aut cui vires non suppetunt ad dirigendam navem; licet forte de eodem possit rationabiliter spes concipi quod valeat in posterum magister navis peritus, fortis, et bonus fieri? Nonne constitutus in salvationem per hunc modum fieret his, quos oporteret salvare, in perditionem? Et, ut ad unum multa comprehendamus exempla, quis ordinatus ad hoc, ut in artificiis quibuscunque peritos, potentes, et solicitos præficiat artifices, in eisdem præficiens quadam longinqua possibilitate tales, et forte eo quod præficiuntur, ad actum possibilitatis magis desides, non magis iram ordinatoris incurrit quam benevolentiam acquirit? Sapiens paterfamilias mille carnales oves non tradit ignaro pastoralis officii sub spe pastoralis scientiæ officii post multos annos adipiscendæ; neque vitulos jungit ad aratrum, licet speret vitulos posse proficere in robur boum[1]; quia forsitan etiam eo ipso vitulos opprimeret ne ad boum[2] fortitudinem unquam pervenirent; non enim debilibus imponuntur onera gravia, licet valentibus ad fortitudinem crescere, ne sub onerum succumbant gravitate. Si hæc itaque non fiunt, ubi tamen non imminet nisi corporale periculum, quomodo præsumeret nostra

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[1] *boum*] bonum, Sid. | [2] *boum*] bonam, Sid.

timida pusillanimitas consimilia facere, ubi imminet periculum tanto gravius quanto spiritalia majora sunt et meliora corporalibus? Secundum sententiam Domini in Exodo et in Ezechiele, et beati Gregorii expositionem, pastor animarum, qui prædicatione non insonat, ipsemet spiritaliter moritur, et quantum est in se, oves sibi commissas occidit. Qui igitur talem constituit[1] animarum pastorem qui tuba prædicationis, nisi post multa tempora, insonare non poterit, nonne eo ipso tam præfecto quam subditis dat mortis per longa tempora occasionem, ne dicam causam? Dominus noster Jesus Christus vitam suam pretiosissimam dedit morti turpissimæ, ut animas vivificaret; dans in hoc exemplum, quod tales debent præfici pastores animarum qui nec pœnam nec genus pœnæ refugiant pro animarum salute. Quomodo igitur auderet nostra parvitas præficere in pastorem animabus tanto pretio redemptis, qui magis adhuc longo tempore in pascendo mortificaret quam qui vivificaret? Quomodo auderet de pretio sanguinis Jesu Christi plus intendere ditare hominem, quam animarum procurare salutem? Hæc itaque et hujusmodi plurima, quæ nunc subticemus ne vos prolixitatis tædio afficiamus, nostram imperfectionem vehementer deterrent, ne animabus, pro quibus Christus mortuus est, non idoneos scienter et prudenter præficiamus pastores, ut homines ditemus, vel hominibus placeamus, et sic secundum vocem Apostoli, *servi Christi non simus*. Ideo sanctitati vestræ tota mente viribusque omnibus supplicamus, quatenus supradicto comiti efficaciter persuadeatis, ut idoneum aliquem ad supradictæ ecclesiæ regimen præsentet; alioquin vestræ sanctitati, quæ multa potest facere licite quæ nostra imperfectio non possit nisi illicite facere, commendamus quicquid hac vice ad nos pertinet,

Ezech. iii. 18.; xxxiii 8.

S. Greg. in Ezech. Lib. I. Hom. II. p. 1285.

Gal. i. 10.

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[1] *constituit*] constituat, Sid.

de præfati Thomæ clerici ad præfatam ecclesiam admissione, sperantes firmiter quod non aliter ordinabit, quam noverit animarum saluti prodesse, Judici quoque
S. Matt. xii. 6. omnium complacere; coram quo *in die judicii* etiam *de verbo otioso redditura est rationem.* Si autem vestræ sanctitatis prudentia eundem Thomam clericum ad dictam ecclesiam decreverit esse per vos admittendum et in pastorem præficiendum, quia oves nostræ sunt quibus præficietur, pro quarum etiam salute tenemur,
1 S. Joh. iii. 16. secundum Christi doctrinam et exemplum, *animam ponere,* et non mediocriter timeamus de earum sub
He hopes that at least a vicar may be appointed, or, what is better, a proper pastor; and some provision made for the earl's son out of the benefice.
tali pastore periclitatione, ut saltem quoquomodo earum saluti provideatur, ad pedes vestros prostrati rogamus quatenus idoneus vicarius ad bonam vicariam in sæpefata ecclesia constituatur. Vel, quod multo amplius mallemus, si fieri potest inoffenso jure, ut constituto in eadem ecclesia idoneo animarum pastore, residentiam continuam in eadem faciente sæpedicto Thoma clerico, aliqua annua præstatio de eadem ecclesia sine cura animarum, nomine simplicis beneficii, conferatur. Valeat sancta[1] paternitas vestra per tempora longiora.

LII.*

1238 ? *Constitutiones Roberti Episcopi Lincolniensis rectoribus ecclesiarum, vicariis, sacerdotibus parochialibus ejusdem diœcesis directæ.*

Constitutions sent to the rectors, vicars, &c., in the diocese of Lincoln.

Debentes de vobis rationem bonam reddere, quæ ratio, secundum Augustinum, est dicere, non tacere; flere cum dicimus et non audimur: sub silentio transire non possumus quæ vobis scire et observare neces-

[1] *sancta*] om. Sid.

sarium credimus. Quia igitur sine decalogi observatione salus animarum non consistit, exhortamur in Domino, firmiter injungentes, ut unusquisque pastor animarum et quilibet sacerdos parochialis sciat decalogum, id est, decem mandata legis Moysaicæ; eademque populo sibi subjecto frequenter prædicet et exponat. Sciat quoque quæ sint septem criminalia, eademque similiter populo prædicet fugienda: sciat insuper, saltem simpliciter, septem ecclesiastica sacramenta; et hi qui sunt sacerdotes maxime sciant quæ exiguntur ad veræ confessionis et pœnitentiæ sacramentum, formamque baptizandi; doceant frequenter laicos in idiomate communi: habeat quoque quisque eorum saltem simplicem fidei intellectum, sicut continetur in symbolo, tam majore quam minore, et in tractatu qui dicitur *Quicunque vult*, qui cotidie ad primam in ecclesia psallitur. Eucharistia autem, quæ sacramentum est Dominici corporis, in loco singulari mundo et signato semper honorifice collocata, devote ac fideliter conservetur. Sacerdos vero quilibet frequenter doceat plebem suam, ut cum in celebratione missarum elevatur hostia salutaris, se reverenter inclinet; idem faciens cum eam portet presbyter ad infirmum, quam in decenti habitu, supposito mundo velamine, ferat et referat manifeste ac honorifice[1] ante pectus cum reverentia et timore, semper lumine præcedente, cum sit candor lucis æternæ; ut ex hoc apud omnes fides et devotio augeatur; quemadmodum in generali Concilio scribitur: tintinnabulum quoque simul[2] cum lumine venerandam corporis Christi hostiam semper præcedat, ut ejus sonitu excitetur fidelium devotio ad tanti Sacramenti debitam adorationem. Observent etiam sacerdotes cum omni diligentia ne sacra Eucharistia per vitium aut diutinam conservationem contra-

[1] *honorifice*] honeste, Sid. [2] *simul*] similiter, Sid.

heret[1] humiditatem seu mucorem, unde reddatur vel turpis aspectu vel gustui abominabilis. Sacerdotes autem promptissimi sint et paratissimi, non solum diebus sed et noctibus, ut ægrotantes, cum requiruntur, visitent; ne eorum negligentia, quod absit, moriatur infirmus sine confessione aut Dominici corporis communione[2], aut unctione extrema. Superaltaria quoque sint honesta et congruentis magnitudinis, firmiterque fixa in circumdante ligno ut non moveantur ab ipso, neque usurpentur ad alios usus quam ad divinorum celebrationem, ut videlicet non molantur super ea colores, vel alia fiant in eis consimilia. Panni etiam chrismales in usus seculares non convertantur. In ecclesia quoque divinum officium[3] integre fiat et devote; ut videlicet lectiones, hymni, psalmi, et alia quæ in Dei laudem recitantur in ecclesia, integram habeant verborum prolationem, mentisque ad sensus verborum[4] devotam attentionem; ne, quod absit, pro hostia integra et viva offeratur hostia mutilata, vel[5] mortua. Omnes quoque pastores animarum et sacerdotes parochiales, finitis in ecclesia divinis officiis, orationi et lectioni Sacræ Scripturæ diligenter intendant, ut per scripturæ intelligentiam, sicut ad eorum pertinet officium, parati sint semper ad satisfactionem omni poscenti rationem de spe et fide; sintque semper inserti in doctrina et operatione Scripturæ tanquam vectes in annulis arcæ, ut assidua lectione, veluti cotidiano cibo, alatur et pinguescat oratio. Provideant etiam attentius ecclesiarum rectores et sacerdotes parochiales, ut pueri parochiarum suarum diligenter doceantur et sciant orationem Dominicam, et symbolum, et salutationem beatæ Virginis, et crucis signaculo se recte consignare.

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[1] *contraheret*] contraxerit, C.C.C., Ox.

[2] *communione*] communicatione, Sid.

[3] *officium*] servitium, Sid.

[4] *verborum*] om. C.C.C.

[5] *vel*] et, Sid.

Et quia, ut audivimus, etiam[1] quidam adulti hæc ignorant, præcipimus ut cum laici ad confessionem accedunt, diligenter examinentur, utrum scierint prædicta, et secundum quod expedit in eis a sacerdotibus instruantur. Et quia mundi debent esse, sicut ait Esaias, qui ferunt vasa Domini[2] pollutaque non tangere, exhortantes præcipimus ut omnes beneficiati et infra sacros ordines constituti vitium luxuriæ omnemque voluntariam carnis immunditiam fugiant, continentiæ servantes puritatem; nullusque eorum uxorem ducat[3]; et si quis, antequam esset in sacris ordinibus constitutus, uxorem duxerit, beneficium ecclesiasticum non teneat, neque in sacris ordinibus si eos postea acceperit, ministrare præsumat. Cumque non solum a malo sed ab omni specie mala abstinendum sit, inhibemus firmiter ne clerici sine rationabili et manifesta causa frequentent sanctimonialium monasteria et ne quisquam sacerdos retineat fœminam in domo sua sive cognatam sive aliam, unde possit rationabiliter mala de ipso oriri suspicio. Et quia in Levitico dicit Dominus ad Aaronem, *Vinum et omne quod inebriare potest, non* Levit. x. 9. *bibas, tu et filii tui, quando intrabis in tabernaculum testimonii, ne moriamini;* cum Aaron et filii sui sacerdotes veteris legis gerant typum sacerdotum hujus temporis, vinum quoque et cætera inebriantia typum ebrietatis, sacerdotes quoque *die ac nocte* debeant Levit. viii. 35. mystice *in tabernaculo manere, observantes custodias Domini ne moriantur,* sicut in eodem libro scriptum est; firmiter inhibemus ne quiquam beneficiati vel in sacris ordinibus constituti, sint ebriosi seu gulosi aut tabernas exercentes, ne morte æterna, secundum legis comminationem[4], moriantur; sed actu abstinentiæ et

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[1] *etiam*] om. Sid.

[2] *polluta*] pollutum, C.C.C., Ox.

[3] *ducat*] om. Sid., C.C.C.

[4] *comminationem*] contumacionem Sid.

sobrietatis seipsos reddant habiles ut[1] secundum doctrinam Dei habeant scientiam discernendi inter sanctum et prophanum, inter pollutum et mundum, doceantque populum omnia legitima Domini quæ locutus est per manum Moysi. Quia etiam Levitis dictum est quod non habebunt partem hæreditatis inter filios Israel, per quod abscinditur a ministris ecclesiæ omnis fomes cupiditatis et turpis lucri, exhortantes firmiter præcipimus ne beneficiati aut sacris ordinibus ornati negotiationes exerceant, neque aliquid[2] accommodent ad usuram; sed sicut præcipit doctrina evangelica, mutuum dent, nihil inde sperantes. Neque dent aut recipiant ecclesias aut ecclesiastica ad firmam, nisi in casibus a Conciliis concessis. Ad amputandum quoque omnem cupiditatis speciem, inhibemus firmiter non solum ordinaria sed speciali auctoritate apostolica, ne beneficiati vel ad sacros ordines promoti sint vicecomites vel justitiarii seculares, vel ballivas teneant, unde laicis potestatibus obligentur ad ratiocinia de ballivas eisdem reddenda. Inhibemus quoque districtius ne aliquis rector ecclesiæ faciat hujusmodi pactum cum suo sacerdote, videlicet, quod ipse sacerdos præter cætera stipendia poterit recipere annualia et tricennalia; quia hujusmodi pactio manifestum est indicium quod sacerdos eo ipso recipit exilius stipendium: necesse quoque est ut aut non perficiat suscepta annualia vel tricennalia, aut in ecclesia[3] parochiali non rite perficiat divina obsequia; ipsis autem sacerdotibus sufficiens et honesta tribuatur sustentatio ab ecclesiarum rectoribus, ne propter diminutam sustentationem oporteat ecclesias divinis obsequiis carere, aut ipsos sacerdotes lucris turpibus inhiare, seu victum mendicare.

Inhibemus etiam firmiter ne laicis quibuscunque

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[1] *ut*] et, C.C.C.
[2] *aliquid*] om. Sid.
[3] *ecclesia*] om. Sid.

committantur ad firmam liberæ terræ de dominiis ecclesiarum, nisi forte eidem laici fuerint earundem ecclesiarum servi; et tunc hoc fiat de licentia diœcesani. Et ne rectores vel vicarii de bonis ecclesiæ ædificent in laico feodo extra fundum ecclesiæ; et similiter ne decimæ in laico feodo reponantur, sed in fundo ipsius ecclesiæ.

Præcipimus etiam ut redditus assignati per devotionem laicorum ad luminaria vel ad alios usus honestos in ipsis ecclesiis, non convertantur per ipsos rectores in usus et emolumenta eorundem.

Prohibemus [1] quoque firmiter ne die sancti [2] Paschæ recipiantur oblationes laicorum post missam quando communicant; quia hoc est cupiditatis manifestum indicium et devotionis communicantium evidens detrimentum.

Hortamur etiam præcipientes ne mimis, joculatoribus, aut histrionibus intendant, neque ad aleas seu taxillos ludant aut ludentibus assideant; quia licet hæc quibusdam levia videantur, tamen, secundum sanctorum patrum doctrinas, qui talia faciunt, dæmonibus præstant sacrificia.

Et quia in clero nihil debet splendere nisi Jesu Christi humilitas et Evangelica perfectio, quæ consulit quod *siquis te percusserit in dextram maxillam,* S. Matt. v.
præbeas illi et alteram; monemus præcipientes ne 39.
clerici arma portent; sed coronam et tonsuram habeant ordini congruentem et habitum convenientem tam sibi quam suis equitaturis, secundum quod determinant sancta Concilia. Præcipimus etiam non solum nostra sed speciali auctoritate Apostolica, ne aliqui retineant plures curas animarum, cum quibus per sedem Apostolicam non est super hoc dispensatum: similiter quod filii proximo ministrantium, ecclesias in quibus imme-

[1] *Prohibemus*] *Præcipimus*, Sid. | [2] *sancti*] om. Sid.

diate successerunt patribus, penitus resignent, et patroni idoneos ad[1] easdem ecclesias præsentent.

Audivimus autem, unde non mediocriter dolemus, quod quidam sacerdotes extorquent pecuniam a laicis pro pœnitentia, seu aliis sacramentis ministrandis, et quod quidam turpis lucri plenas injungunt pœnitentias; quales sunt quod mulier cognita a viro suo post partum ante suam purificationem, deportet deinceps oblationem ad altare cum qualibet muliere purificanda in eadem parochia; et quod homicida vel qui alterius mortem procuravit, offerat pro quolibet mortuo in eadem parochia. Hæc igitur et hujusmodi, quia cupiditate sunt plena, penitus inhibemus; et ne quisquam sacerdos injungat annualia vel tricennalia ex consimili cupiditate; ut[2] ipse videlicet inde consequatur emolumentum.

Audivimus quoque quod quidam sacerdotes faciunt suos diaconos audire parochianorum suorum confessiones; quod quam absurdum sit, non est opus commonere; cum evidenter verum sit, quod diaconis non est tradita potestas ligandi atque solvendi[3]; ipsique sacerdotes ex hoc non quærant nisi otium aut spatium intendendi negotiis secularibus: propterea firmiter inhibemus ne diaconi confessiones audiant, aut pœnitentias injungant, nec alia sacramenta ministrent quæ concessum est solis sacerdotibus ministrare.

Volumus quoque et præcipimus ut singuli beneficiati promoveantur ad ordines quos cura, quam susceperunt, exigit.

Ad hæc, auctoritate speciali apostolica commonemus et præcipimus ut omnes rectores ecclesiarum et vicarii residentiam faciant in beneficiis suis[4]; conversantes in eisdem laudabiliter et honeste; nisi fuerit ob causam

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[1] *patroni idoneos ad*] patrones ad idoneos, C.C.C.

[2] *ut*] om. C.C.C.

[3] *solvendi*] absolvendi, Sid.

[4] *suis*] om. Sid.

rationabilem, ut in ecclesiis suis non resideant, cum eis dispensatum.

In singulis quoque ecclesiis, quarum[1] facultates ad hoc sufficiant, sint unus diaconus et unus subdiaconus in eisdem ut decet ministrantes: in aliis vero ecclesiis saltem sit clericus unus idoneus et honestus, qui sacerdoti cum habitu convenienti in divinis ministret officiis.

Præcipimus etiam firmiter auctoritate Evangelica et etiam de speciali indulgentia apostolica ne in locis sacris habeantur mercata; cum Dominus ementes et vendentes de templo ejecerit, ne *domus orationis fieret spelunca latronum:* adicientes ad hæc[2] ut cœmeteria sint bene clausa; et tam ecclesiæ quam domus ad eas pertinentes, competenter secundum ecclesiarum facultates ædificatæ, ipsæque ecclesiæ decenter ornatæ tam in libris quam in vasis sacris et vestimentis; et quod ornamenta et vasa sacra[3] sint de noctibus sub tuta et honesta custodia, nec reponantur in domibus laicorum, neque sub eorum custodia, nisi rationabilis et evidens ad hoc compulerit necessitas.

Execrabilem etiam consuetudinem, quæ consuevit in quibusdam ecclesiis observari de faciendo festum stultorum, speciali auctoritate rescripti apostolici penitus inhibemus; ne de domo orationis fiat domus ludibrii, et acerbitas circumcisionis Domini Jesu Christi jocis et voluptatibus subsannetur.

Inhibemus quoque ne aliqui sacerdotes celebrent de aceto; et quia[4] quisque artifex arti suæ plusquam alienæ debet intendere, præcipimus ut rectores animarum arti regiminis animarum vigilanter intendant, cum "ars S. Greg.
"artium sit," teste beato[5] Gregorio, "regimen ani- Reg. Pastor. I. 1.
"marum"; et ut ab hoc non avertantur, districtius p. 3.

[1] *quarum*] quibus, Sid.
[2] *hæc*] hujusmodi, Brown.
[3] *sacra*] om. Sid.
[4] *quia*] om. Sid., Ox.
[5] *beato*] om. Sid.

ne inhibemus quisquam eorum audiat in scholis vel doceat leges seculares.

Præcipimus quoque ut in qualibet Ecclesia Canon Missæ sit rite correctus. Præcipimus etiam ut in singulis ecclesiis denuncietur solenniter ne quisquam levet arietes super rotas, vel alios ludos statuat in quibus decertatur pro bravio; nec hujusmodi ludis quisquam intersit. Prohibeantur similiter compotationes quæ vulgo dicuntur *scotales:* omnes quoque ludi et placita secularia a locis sacris omnino arceantur. Frequenti quoque prædicatione commoneatur ne matres vel nutrices parvulos suos in lectis suis juxta se collocent. Clandestina quoque matrimonia districtius inhibeantur; nec permittant rectores ecclesiarum et sacerdotes parochiales quod parochiæ eorum in annua visitatione matricis [1] ecclesiæ decertent cum vexillis suis præire; quia inde solent tam pugnæ quam mors pervenire. Præcipimus etiam districtius ut in singulis ecclesiis solenniter denuncietur, ne quisquam scienter et prudenter concubinas clericorum, nisi forte transitum facientes, hospitio suscipiat; tunc cautius providens ne in eodem hospitio clericus fornicator hospitetur.

Ad hæc adicimus ne laici stent vel sedeant inter clericos in cancello dum divina ibidem celebrantur; nisi forte ob reverentiam vel aliam rationabilem causam et manifestam [2] hoc solis patronis permittatur.

Et quia in multis ecclesiis, ut credimus, non est scriptum Oxoniense Concilium; principium ipsius de excommunicationibus in eodem Concilio factis ad terrorem mali consciorum [3] et eorum refrænationem duximus hic adjungendum, eisdem verbis quibus in eodem Concilio scriptum est; præcipientes ut dictæ excommunicationes singulis annis in singulis innoventur ecclesiis; cujus principii tenor est talis.

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[1] *matricis*] matris, Sid.
[2] *et manifestam*] om. Brown.
[3] *mali consciorum*] malitiosorum, C.C.C., Ox.

"Ex auctoritate Dei Patris et beatæ Virginis et Concil. Oxon. 1222. Wilkins. i. p. 585.
" Omnium Sanctorum et præsentis Concilii, excommuni-
" camus omnes illos qui ecclesias malitiose suo jure
" privare præsumunt, aut per malitiam earundem
" libertates infringere vel perturbare contendunt ; item
" omnes illos excommunicationis sententia innodamus,
" qui pacem et tranquillitatem domini regis et regni
" injuriose perturbare præsumunt, et qui jura domini
" regis[1] injuste detinere contendunt. Adicimus
" omnes illos simili sententia involutos qui scienter et
" prudenter falsum perhibent testimonium, vel perhibere
" procurant, vel etiam qui tales testes scienter pro-
" ducunt vel subornant in causa matrimoniali, ubi
" scilicet agitur contra matrimonium, vel ad alicujus
" exhæredationem.[2] Advocatos omnes quoque excom-
" municamus qui in causis matrimonialibus malitiose
" exceptiones apponunt vel apponere procurant, ne
" matrimonia vera debitum sortiantur effectum; vel
" ut[3] contra justitiam processus causæ diutius suspen-
" datur.

" Item excommunicamus omnes illos qui gratia lucri
" vel odii vel favoris vel alia[4] quacunque de causa
" alicui malitiose crimen imponunt, cum infamatus non
" sit apud bonos et graves, ut sic saltem ei purgatio
" indicatur, vel alio modo gravetur.

" Præterea omnes illos excommunicationis sententia
" innodamus qui vacante ecclesia malitiose apponunt,
" vel procurant apponi patronatus quæstionem, ut sic
" verum patronum illius ecclesiæ collatione, saltem illa
" vice, defraudent. Excommunicamus etiam omnes
" illos qui gratia lucri vel odii vel aliter contemnunt

[1] *et regni . . regis*] om. Sid.
[2] *exhæredationem*] hereditationem, C.C.C.
[3] *ut*] om. Sid,
[4] *alia*] aliqua, C.C.C.

"exequi mandatum domini regis contra excommuni-
"catos editum, claves ecclesiæ contemnentes."

Hæc igitur volumus et præcipimus sicut canonice statuta sunt, a vobis reverenter et firmiter[1] observari; sciantque contemptores et transgressores horum, si rite super contemptu aut transgressione convicti seu confessi fuerint, nos eos pro posse nostro, adjuvante Domino Jesu Christo, canonice punituros.

Table of contents to the Constitutions in the preceding letter.

Hæc subscripta continentur per ordinem in litera hic præcedente, quæ intitulatur Constitutiones, &c.

Sciant { Decalogum. Septem criminalia. Septem sacramenta. Simpliciter fidem. }

De honoratione Eucharistiæ et custodia.

Quod sacerdotes sint prompti ad infirmos visendos.

Quod superaltaria sint honesta.

Quod panni chrismales non convertantur in usus seculares.

Quod verba in divinis integre proferantur cum mentis attentione[2].

Quod intendant lectioni et orationi.

Quod instruant subditos in oratione Dominica et symbolo.

Quod sint continentes.

Quod non sint uxorati.

Quod non frequentent sanctimonialium monasteria sine rationabili causa.

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[1] *et firmiter*] om. Sid. | [2] *attentione*] intentione, Sid.

Quod non teneant in domibus suis mulieres, de quibus possit esse mali[1] suspicio.

Quod non sint ebriosi aut tabernas frequentantes.

Quod non sint negotiatores aut usurarii[2].

Quod non dent ad firmam vel recipiant ecclesias vel ecclesiastica, nisi in casibus concessis.

Quod non sint vice comites vel justitiarii, vel teneant ballivas, unde obligentur laicis ad ratiocinia[3].

Quod cum sacerdotibus non fiat pactio, ut possint recipere annualia vel tricennalia.

Quod sacerdotes habeant rationabilem sustentationem.

Quod laicis non dentur ad firmam liberæ terræ ecclesiarum.

Quod non ædificent de bonis Ecclesiæ in laico feodo, nec decimas reponant.

Quod redditus assignati ad luminaria non convertantur in alios usus.

Quod laici in die Paschæ non simul offerant et communicent.

Quod non intendant histrionibus, aut ludant[4] ad aleas vel talos.

Quod clerici arma non portent, sed habeant tonsuram habitui congruentem[5].

Quod nullus habeat plures curas sine dispensatione.

Quod filii proximo ministrantium dimittant beneficia sua.

Quod sacramenta aut sacramentalia non vendantur.

Quod sacerdotes non injungant pœnitentias ex cupiditate.

Quod diaconi non audiant confessiones aut sacramenta ministrent, solis sacerdotibus concessa.

Quod ordinentur, secundum exigentiam suæ curæ[6].

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[1] *mali*] mala, Sid.

[2] *Quod . . . usurarii*] om. Brown.

[3] *unde . . . . ratiocinia*] Brown adds this to the previous head.

[4] *ludant*] om. Sid.

[5] *habitui congruentem*] et habitum congruentes, C.C.C., Brown.

[6] *exigentiam suæ curæ*] suæ curæ ordines, Sid.

Quod faciant residentiam.
Quod ecclesiæ bonæ habeant diaconos; minores vero habeant saltem honestos clericos.
Quod mercata non sint in locis sacris.
Quod cœmeteria sint bene clausa, et ecclesiæ et domus ecclesiarum ædificatæ competenter, et ecclesiæ ornatæ et ornamenta, et vasa sacra rite custodiantur.
Quod festum stultorum penitus tollatur.
Quod non celebrent de aceto.
Quod non audiant vel doceant leges seculares.
Quod Canon Missæ sit correctus.
Quod ludi, in quibus decertatur pro bravio, prohibeantur, et scotales.
Quod in locis sacris non sint ludi aut placita secularia.
Quod parvuli non jaceant juxta matres vel nutrices.
Quod clandestina matrimonia prohibeantur; et decertatio quis præeat cum vexillis.
Quod nullus teneat in hospitio suo concubinas clericorum.
Quod laici non sint in cancello inter clericos dum celebrantur divina[1], nisi forte solus patronus.
Quod excommunicationes Oxoniensis Concilii singulis annis innoventur.

LIII.

1238? [a] Johannes I.

Viris venerabilibus, Dei gratia Abbati[a] *Sancti Benedicti Floriacensis et ejusdem loci Conventui, Robertus miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et sincerum in Domino caritatis augmentum.*

S. Matt. vi. 3, 1, 4. The convent of

Licet gloria bonorum sit ab intus, *nesciatque sinistra eorum quid faciat dextera, nec justitiam suam faciant coram hominibus ut videantur ab eis;* sed bona sua

[1] *divina*] om. C.C.C.

faciant *in abscondito, ut Pater* cælestis *qui videt in abscondito, reddat eis;* eorundem tamen *opera bona sic lucent coram hominibus, ut homines ea videant et glorificent Patrem qui in cælis est;* abscondenda namque sunt bona ab aura[1] laudis humanæ, ne ipsius corrumpantur uredine; manifestanda tamen sunt, ut eorum luce alii illustrentur ad verum et accendantur ad bene operandum, ut videlicet opus bonum sic sit in publico ad aliorum informationem, ut intentio sit in occulto, quantum attinet ad humanam laudem. Mala vero sua et infirma sapientes occultant, ne propalentur aliis in exemplum pravum, et ne pateat hostibus rima[2] per quam habeant ingressum ad bona carpenda. Eis autem solis mala et infirma sua[3] denudant prudentes, qui et malum tollere et infirmitati remedium satagunt apponere. Vestrum igitur collegium sanctum, *spiritu sapientiæ et consilii* illustratum et roboratum, bona sua oportet aliis in exemplum bonum pandere, et mala siqua sunt, ne in exemplum pravum prodeant, nec hostibus ingressus pateat, solicite ac prudenter abscondere; donec amputato penitus malo et infirmitate curata, *de tenebris splendescat lux, et tenebræ sint sicut meridies.* Propterea si quandoque accidat in vestro collegio, aliquos monachos aut vitio pravos esse aut infirmitate mentis debiles, non debetis eos, dum tales sunt, in alias regiones ad[4] cellas vel possessiones vestras mittere ut ibidem commorentur, ne aliis sint perditionis exemplum, et crimen eorum in totum vestrum refundatur collegium; sed ad hujusmodi loca remota mittendi sunt ad commorandum solum hi qui præfulgent sapientia et sanctæ conversationis honestate, ut in eis longe lateque luceat lux vestra, et famæ vestræ bonus odor respiret. Desiderantes igitur non modicum lucem[5] sanctitatis vestræ

Fleury is requested not to send to their cells or lands monks of bad character.

S. Matt. v. 16.

Isa. xi. 2.

Isa. lviii. 10.

Sends back two monks

[1] *aura*] aure, Sid.
[2] *rima*] ruina, Sid. C.C.C.
[3] *sua*] om. Sid.
[4] *ad*] aut, Sid.
[5] *lucem*] lumen, Sid.

who had been at Minting. apud vos resplendere, et infirma vestra apud vos sanari et roborari; volentes etiam vobis ad præsens deferre et famæ vestræ parcere, mittimus ad vos duos monachos vestros, Philippum videlicet et Th[redacted], qui aliquandiu in diœcesi nostra apud Menting commorati sunt; quorum unus, Philippus scilicet, in adulterio ibidem deprehensus, insuper propria confessione super hoc convictus est; Th[redacted] vero graviter defamatus super fornicatione, etiam per proprios socios et monachos suos, non potuit se purgare; utrique etiam, quasi essent seculares, venationi et sagittationi solebant intendere. Vestræ igitur discretioni committimus hac vice eosdem regulariter corrigendos, rogantes vos quanta possumus affectione et devotione, quatenus ad prædictum locum nullum de monachis vestris mittatis ibidem moraturum, nisi quos[1] ornet morum et religionis honestas et illustret disciplinæ regularis scientia et observatio; certissime enim sciatis quod, adjuvante Domino, non sinemus, pro posse nostro, monachos in nostra diœcesi commorari, nisi honeste conversantes et regulariter viventes secundum regulam beati Benedicti; sed conabimur, quantum juvante Domino poterimus,
1 Cor. v. 13, 6. secundum doctrinam Apostoli, *auferre malum de medio nostri*; ne *modicum fermenti totam massam corrumpat* et contagiosa scabies latius serpat. Valete.

LIV.

1238 ? *Viro venerabili, Dei gratia Abbati*[a] *Sancti Benedicti Floriacensis, Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et sincerum in Domino caritatis augmentum.*

[a] Johannes I.

S. Matt. xv. 14. The abbat of Fleury Secundum vocem Domini, *Si cæcus cæco ducatum præbeat, ambo in foveam cadunt;* cæci autem sunt et vani quibus non subest scientia Dei, quos videlicet

[1] *nisi quos*] ubi quod, C.C.C.

divinæ legis lux non illuminat. Igitur non sunt præficiendi duces spiritales, nisi quos lux divinæ legis illustrat; in cujus splendore videant quo sequentes salvo perducant, ne ambulantes in tenebris et nescientes quo vadant, in foveam et barathrum peccati cum suis sequacibus cadant. Propter hæc omni devotionis humilitate vobis supplicamus, quatenus ad prioratum de Menting talem nobis præsentare curetis, qui et legis divinæ luce viam veritatis videat et sanctitatis religionisque vigore per eam fortiter incedat, prudenterque cavens præcipitium sequaces suos ad stabilem perducat salutem. Sciatis enim quod non audeamus curam spiritalem cuiquam tradere, nisi qui curæ suæ commissis sciat et possit in via veritatis et sanctæ conversationis præire. Hoc etiam et vestra sancta religio omnibus modis et viribus debet solicite satagere; de qua speramus quod ad imitationem Domini Jesu Christi Salvatoris nostri non solum parata sit, sed et ardenter desideret et æstuet pro animabus salvandis sanguinem fundere, et vitam hanc temporalem acerbissimæ et etiam turpissimæ morti tradere. Valete.

is requested to present a proper person to the priory of Minting.

LV.

Robertus, Dei gratia Lincolniensis Episcopus, dilecto in Christo filio, eadem gratia Abbati [a] *Leircestriæ salutem, gratiam, et benedictionem.*

1238?

[a] Alan de Cestreham.

Adjuvante Domino veniemus ad partes vestras et cognoscemus evidentius de statu H. canonici de Dorke, pro cujus reditu in domum suam nos rogastis, et utrum cum pace abbatis [b] et conventus de Dorke possit adhuc eo redire; conamini autem persuadere ejusdem reditum per infirmitatem ejusdem, et senium et diu desideratum mori in domo sua inter fratres suos; sed quanto infirmior est et senior corporaliter,

The case of the aged penitent H. canon of Dorchester.

[b] Richard, abbat in 1235.

tanto magis indiget de præteritis transgressionibus
Ps. cii. 5. veram peragere pœnitentiam, *ut renovetur tanquam aquilæ juventus ejus*, ad quod consummandum transmissus est ad vestrum collegium. Quia igitur infirmus est et senex, expedit magis ut propter causam prædictam vobiscum moretur, ut spiritus ejus juvenescat et sanetur; vestra etiam compassio quam dicitis vos habere de eodem, si est vera, plura ejus infirmitati et senio præstabit solatia quam inveniret in domo propria.
Philipp. i. 23. Insuper si habet cupiditatem *dissolvi et esse cum Christo*, sicut habuit Apostolus, bonum est eum[1] esse ubi cupiditas hæc majorem habeat incrementi fomitem; fomitem autem hujuscemodi desiderata transitoria cum habentur, solent aut penitus extinguere aut plurimum enervare. Expedit igitur eidem magis vobiscum manere, quod desiderat minus, quam domum redire, quod desiderat amplius; si autem ex vitæ hujus tædio
2 Cor. vii. 10. et *tristitia seculi*, quæ *mortem operatur*, accidiose mori desiderat, expedit magis ut vestro fruatur solatio, hujusmodi tædium et tristitiam leniente, quam locum adeat, ubi, nisi[2] veteres ejus mores plurimi immutentur[3], de quo nullum adhuc recepimus certum argumentum[4], accidiæ majus inveniret fomentum. Suggillatis autem nos de ferreo pectore et carente pietate, in literarum vestrarum calce. Utinam pectus habeamus ferreum et durum, videlicet quod molliri nequeat blanditiis seductorum; forte, quod frangi nequeat terroribus malorum; acutum, quod vitia resecet et adver-
Ezech. iii. 7, 8, 9. santia mala disturbet. In Ezechiele *omnis domus Israel* dicta est fuisse *duro corde;* duritie videlicet crudelitatis et malitiæ, quam a nobis avertat Deus; contra quam duritiem data est prophetæ *facies valen-*

[1] *eum*] enim, C.C.C.
[2] *nisi*] om. Sid.
[3] *immutentur*] imitentur, Sid.
[4] Sid. inserta, *quin ibi.*; Ox. *tamen.*

tior faciebus eorum et frons ejus durior frontibus eorum; ut adamas videlicet et ut silex; de hac duritie quam habuit propheta, det nobis vel modicum quid Ille qui est vera petra, de qua dicit Apostolus: *Petra autem erat Christus.* 1 Cor. x. 4. Si ergo duri sumus et ferrei crudelitate et pertinacia malitiæ, orate pro nobis Dominum, ut hanc duritiem sua mollitie dignetur auferre; si vero duri sumus et ferrei ad modum prophetæ, orate Dominum ut hæc[1] durities semper dum vivimus capiat incrementum. Valete.

LVI.

Nobili viro et amico in Christo carissimo Willelmo comiti Warrene, Robertus, Dei gratia Lincolniensis Episcopus, salutem et sinceram in Domino dilectionem. 1238.

The earl of Warren and his chaplain have been cited to appear before Grosseteste, because mass has been celebrated in the earl's hall at Graham, an unconsecrated place, and otherwise unfit.

Scripsistis nobis vos multum admirari super eo quod vos et N. capellanum vestrum citari decrevimus, responsuros et juri parituros coram nobis vel officiario nostro; adnectentes dictum N. capellanum vestrum nulla monitione præmissa suspensum. Vestræ igitur discretionis admiratio manifesta est insinuatio, quod nos in dicta citatione vobis et capellano vestro fuerimus injuriosi; in modo quoque suspensionis idipsum[2] satis evidenter innuitis. In his itaque insinuationibus vos nobis magis, salva reverentia vestra, injuriam intulisse videmini, cum nondum vobis constet nos vobis fuisse in quoquam injuriosos, patrumque verenda magis sint a filiis velanda quam revelanda. Ut autem intelligat vestra discretio non nos vobis, sicut insinuatis, fuisse injuriosos, vobis significamus per famam bono-

[1] *hæc*] om. Sid. | [2] *idipsum*] ad ipsum, C.C.C.

rum et gravium ad nos esse delatum, quod vos fecistis a dicto N. capellano vestro in aula vestra de Graham missam celebrari, quod ipsum vos etiam per scriptum vestrum conceditis, addentes pro ratione hoc factum esse corporis vestri infirmitate cogente. Cum igitur aula vestra non sit locus Deo dicatus, sed sit communis habitatio hominum, receptaculum comedentium et bibentium, frivola, scurrilia, et forte multoties immunda colloquentium et fortassis aliquando etiam immunda facientium, canibus etiam ubique in ea discurrentibus et cubantibus, sordesque plerumque relinquentibus; quam inconveniens sit Corpus Domini nostri Jesu Christi, filii Dei vivi, quod assumptum est de mundissima Virgine, passum in cruce, in resurrectione glorificatum et supra cælos elevatum, ibidem conficere et contrectare, neminem Christianum debet latere; præsertim cum novi et veteris Testamenti præcepta et canonicæ sanctiones evidentissime prohibeant, ne alibi celebrentur missarum solennia, quam in locis Deo dicatis et sacratis, nisi summa coegerit necessitas. Vosmet igitur judicetis an ad nostrum pertineat officium judicialiter cognoscere utrum hujusmodi sint facta, et si facta fuerint, quibus auctoribus quibusque ministris facta sint, et utrum per aliquam necessitatem rationabilem habeant excusationem; quod cum bene dijudicaveritis, credimus quod citationem per nos factam injuriosam non reputabitis. Sacerdos quoque vester non injuriose sine prævia commonitione suspensus est, sed ob multiplicatam contumaciam suam, ordine juris observato justissime. Vos igitur sicut filius obedientiæ, quem vos esse profitemini et quem vos nos esse credimus, juri parere non contemnatis, innocentiam vestram ostensuri, aut maculam delicti si aliqua fuerit mundaturi, a Deo gratiam et ab hominibus laudem ob hoc reportaturi; cum etiam filii

The chaplain has been suspended for repeated contumacy.

obedientiæ secundum canonicas sanctiones vocati a non suo judice, allegaturi privilegium fori sui debeant comparere. Nec suggerat quisquam vestræ discretioni, quod indecens sit vestræ excellentiæ ab episcopis citari, vel coram eis comparere et juri parere; quia hujusmodi suggestor hoc agit, ut Christus in episcopis spernatur; dicente eodem Jesu Christo, *Qui vos spernit, me spernit;* (S. Luc. x. 16.) et dicente Moyse de se et Aaron fratre suo in persona pontificum ad quosdam de filiis Israel, *Non contra nos est murmur vestrum sed contra Dominum.* (Exod. xvi. 8.) Nec credat discretio vestra aliam citandi vos causam subesse, quam officii nostri debitum vestramque salutem, quam sincera et speciali caritate noveritis nos affectare. Valeat dilectio vestra in Domino.

LVII.

Robertus, Dei gratia Lincolniensis Episcopus, dilectis in Christo filiis eadem gratia Abbati[a] *et Conventui de Burgo, salutem, gratiam, et benedictionem.*

[a] Walter de S. Edmund.

A letter to the convent of Peterborough on the monastick life, from a Greek original.

Quiescens hac septimana proxima paululum ab exteriorum tumultu, quadam ejusdem septimanæ die, lectioni parumper vacans incidi in quandam conscriptionem de vita monachorum, quæ eam decenter extollit; et quia vestro studio credidi gratum fore, si quod ibidem intelligere potui vobiscum communicarem, non verba quæ ibidem inveni, quia alterius quam Latinæ sunt linguæ, sed extractum pro modulo meo verborum sensum, adjectis alicubi paucis ad dilucidationem in hanc paginam redigens, vobis destinare curavi.

Monstrat igitur præfata conscriptio, quod monachi sunt viri philosophantes circa regulas vitæ in excellentia sanctitatis agendæ: quibus est cura, intentio, et opus exire

a corporalibus voluptatibus, et seipsos adhuc in carne viventes, per carnis macerationem mortificare, et sobria quadam insania præsentia bona deserentes transire semper de bonis veris ad meliora, usque quo attigerint summa. Est enim vita monachica, ut aiunt, omnium perfectorum excellentior[1] ordo, omnimoda virtute purgatus et propriorum operum castitate, consummatus in omni administratione, elevatus in speculationem intellectualem, et sacrorum principatuum perfectivis virtutibus comprehensus et divinis ipsorum splendoribus, et hierarchicis traditionibus edoctus, et in sacram administrationem et sacræ scientiæ eorundem consummatam perfectionem analogice deductus. Hinc divini duces monachorum cognominationibus sacris eos dignos reputaverunt, et hi quidem monachos eos nominaverunt. Alii autem Therapeutas vocaverunt. Et secundum derivationem et compositionem Græci sermonis monachus dicitur a μόνος, quod est *solus*, et εὐχὴ, quod est *oratio* sive *votum*, quasi moneuchus; eo quod ad monachum pertinet ut solus oret. Pertinet enim ad
1 Thess. v. 17, 18. monachi studium, ut *sine intermissione oret* omni tempore in spiritu, *in omnibus gratias agens.* Quod ut faciat in puritate qua convenit, oportet ut solus sit, segregatus videlicet spiritu et mente quibus orat et psallit a turba phantasmatum, cogitationum otiosarum et inutilium, immundarum et noxiarum, et impurorum et inordinatorum affectuum, ut ipse etiam sit mundatus[2] ab omni re mundana et transitoria. Ne quasi sibi coassistant exterius habita vel concupita transitoria, aut interius impurus et inordinatus affectus, aut tumultuans cogitationum turba, non sit etiam ipse sibi præsens, sed[3] semet ipsum abnegans, et propriæ

[1] *excellentior*] excelsior, C.C.C., Ox.
[2] *mundatus*] nudatus, C.C.C., Ox.
[3] *sed*] om. C.C.C., Ox.

voluntati penitus renuncians. Insinuatur quoque in hac solitudine, a qua derivatur monachus quod ad solum Deum suam dirigat orationem, solum ipsum orando invocans, quod non faciunt, qui orantes non ipsum Deum summe expetunt, sed ad alia per ipsum obtinenda tendunt. Quod enim finaliter quæritur, plus quæritur quam id quod propter ipsum quæritur. Oret quoque solus separatus secundum appetitum ab humanis favoribus, *et non sicut hypocritæ, qui amant* S. Matt. vi 5.
in synagogis et in angulis platearum stantes orare, ut videantur ab hominibus. Solus etiam orat, qui in solitudine conversans orat, hoc est in illo *deserto,* S. Luc. xv 4.
in quo relictis nonaginta novem ovibus, abiit Dei Filius quærere unam *quæ perierat;* in hac itaque solitudine conversantur, qui cum Apostolo dicere possunt, *Nostra* Philipp. iii. 20.
conversatio in cælis est. Monachalis igitur in orando solitudo est spiritus et mentis quibus oratur, ab inutilibus et immundis cogitationibus et affectibus et rerum transeuntium possessionibus et cupiditatibus, omnibus quoque humanis favoribus segregatio, sui ipsius abnegatio et propriæ voluntati renuntiatio, calcato et superato[1] mundo, in cælis conversatio, et in solum Deum directa intentio. In voto quoque monachi eadem est solitudo[2]. Aiunt quoque nomen monachi derivari et componi a μόνος et ἔχω, quod est *habeo,* unde dictus est monachus, quasi monechus, hoc est quasi solus habens solum, ut videlicet prædicto modo solus existens habeat per superfervidam caritatem Eum qui solus vere est, nihil præter Ipsum[3] in arctissimo caritatis constringens amplexu. Aiuntque[4] monachum dictum esse a μόνος et ἄχος, quod proprie est *tristitia silentium inducens* eo quod congruat monacho secundum Scripturam, *solitarium sedere et tacere, elevantem se super* Lam. iii. 28.

[1] *superato*] ex superate, C.C.C., Ox.
[2] *solitudo*] solicitudo, C.C.C.
[3] *Ipsum*] eum, C.C.C., Ox.
[4] *que*] quoque, Ox.

se, hominem in Dei formitatem, a fonte compunctionis lacrymarum deducens divisiones, ingemiscens et dolens sine intermissione propria et aliena peccata, et miserias pœnarum quas induxit culpa, patriæ quoque dilationem, et eam quam ignorat quisque an sit odio[1] vel amore dignus, incertitudinem. In hac itaque[2] solitudine taliter philosophantes viros cognominant etiam, ut dictum est, Therapeutas, sic dictos a verbo Græco θεραπεύω, quod est *ex dilectione et liberaliter servio*, quasi[3] ex dilectione et libertate spiritus mundissimum[4] unitum et impertitum præstantes famulatum, unientem[5] ipsos in Dei specificam unitatem, et Deiformem perfectionem. Vel dicuntur Therapeutæ, a θεραπεύω, quod est *sano*, eo quod animas accedentium ad ipsos, velut quidam spiritales medici, a malitia passionum, quasi ab ægritudinum distemperantia sanant. Isti, ut aiunt, cum circa regulas vitæ agendæ philosophari incipiunt, a propinquis et possessionibus recedunt, omnibus vitæ hujus curis et solicitudinibus renunciant, et extra muros civitatum in solitudinibus vel montibus conversantur; considerantes cum Baptista, quod conversari cum dissimilibus est inutile et nocivum. Propheticam zelant et exercent vitam, venerabilis vitæ mysteria perficientes. Nullus eorum quicquam habet proprium, neque cibum, neque potum, neque quicquam aliorum quæ ad corporis necessitates sunt necessaria; sed suas reputat[6] divitias, leges, et sermones, et præcepta prophetarum et hymnos, et alia quibus scientia et pietas augentur et perficiuntur. In his plenius exercitati cibum et potum non assumunt ante solis occasum, quia philosophari luce dignum esse

[1] *odio*] ira, C.C.C., Ox.

[2] *hac itaque*] istaque, Sid.

[3] C.C.C. and Ox. insert *de*.

[4] *mundissimum*] immundissimum, Ox.

[5] *unientem*] unientes, Sid.

[6] *reputat*] reputant, C.C.C., Ox.

judicant, tenebras vero corporis magis convenire necessitatibus. Nec tamen in reficiendis corporibus et reparandis per quietem ad labores[1] totas noctes peragunt, sed majorem noctis partem in sacris hymnis et vigiliis orantes deducunt; narrationes autem sanctorum sermonum fiunt ipsis cum cogitationibus in allegoriis. Omnis enim legislatio videtur his viris animali similis, et quasi[2] corpus habere verba sonantia, velut animam vero in verbis sonantibus invisibilem intellectum. Offerunt itaque in sacrificio laudis velut animal integrum et vivum compactum ex verbis sonantibus incorruptis et indecisis, velut sano et integro corpore et indeflexo intellectu a verborum mysticis significationibus, velut ex anima uniente. Chori itaque monachorum diaboli dissolvunt tyrannidem, poetarum figmenta, magicas artes, et divinorum exceptiones expurgant. In fragili corpore conversationem tenent angelicam, omnibus mundi rebus exuti, omnique *mundo crucifixi*, Gal. vi. 14. necessariis utentes solum ad necessitatem, nullo autem ad voluptatem, eligentes magis in usu necessariorum ad carnis mortificationem citra medium[3] sistere, caventes plurimum ultra procedere. Et cum nihil prorsus habeant, laborant tamen de labore suo indigentibus impensas invenire.

Hæc de præfata conscriptione breviter extracta, quasi speculum parvum, vobis proponere curavi, ut monachicæ vitæ velut formam parvulam in eo speculemini. Delectat enim juvenculas plerumque speculorum varietas; vestræ autem animæ castæ juvenculis sponsæ assimilantur. Quia igitur velut in speculo magno, plano, et exterso, in regula beati Benedicti vestræ vitæ pulchritudinem sæpius estis contemplati, et velut in speculo fulgentiori in regula beati Basilii et in doctrina exemplari historiarum vitas patrum refe-

[1] *labores*] laborem, C.C.C., Ox.
[2] *quasi*] om. Sid.
[3] *medium*] modum, Sid.

rentium: si ad hoc speculum breve, eo quod quasi de peregrina delatum est regione, paulisper convertatis intuitum, non debet vestro studio esse tædiosum. Cum autem tanta sit vitæ monachicæ sanctitatis excellentia, quis non videt quam sit dissonum, si non sit sanctificatum monachorum servatorium, hoc est, monasterium? Dicitur enim monasterium a monacho et τηρέω verbo Græco, quod sonat Latine *servo*. Non igitur cum murmure, sed cum magna[1] spiritali jocunditate, monasterii vestri sanctificationem devote
Ps. xcii. 5. suscipiatis, recogitantes quod *domum Domini decet sanctitudo,* quæ orationes orantium in ea fortificat et facit exaudibiles, enervat et effugat nequitias spiritales, asciscit Angelorum frequentationem, Ipsique Domino Angelorum ad inhabitandum est gratiosa præparatio. Et quis suscepturus terrenum regem hospitio, non mundat illud, honestat, et decorat modis, viribus, et impensis quibus potest; non parcit laboribus, non parcit expensis, donec habitaculum præparetur quantum[2] fieri potest omni decoratione acceptum? In monasterio vestro continue habitat Rex cælorum, non solum per divinitatem, sed in Sacramento Eucharistiæ per veram carnis substantiam, quam assumpsit de Virgine. Maximus autem decor corporalis habitaculi hujus gloriæ est sanctitudo recepta in ejus[3] dedicatione.
Cant. viii. 7. *Si dederit*[4] *homo omnem substantiam domus suæ pro* hac ad honorem tanti Regis decoratione, *quasi*[5] *nihil* reputabit eam in tanti boni comparatione. Valete.

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[1] *magna*] om. Sid.
[2] *quantum*] quam, Sid.
[3] *recepta in ejus*] ejus recepta in, C.C.C. Ox.
[4] *dederit*] vendiderit, Sid.
[5] *quasi*] om. Sid.

LVIII.

Sanctissimo Patri et Domino Gregorio Dei gratia summo Pontifici, Robertus, permissione, divina Lincolniensis ecclesiæ minister humilis, beatorum oscula pedum. 1238?

Non solum ex relatione famæ cujus odor bonus mundum replet, sed ex contactu propinquo multiplicis experientiæ, veraciter agnoscens sanctitatis vestræ zelum ferventissimum ad tollendum de domo Domini omnes abominationes impietatis, ad resarciendum rimosa[1], ad fulciendum ruinosa, ad confirmandum stabilia, et ornandum stabilita, confidentur audet mea parvitas ad januam tanti zeli pulsare, pro certo habens, quod *pulsanti aperietur*, quod *quærens inveniet et accipiet petens*, quicquid petierit ad domus Dei emundationem, reparationem, confirmationem, et ornatum. Hinc est quia ad prædicti zeli januam quanto possum conatu, pulso, ad aures pietatis quanto clamore valeo, preces fundo, quærens toto desiderio sanctitatis vestræ gratiam invenire pro fratribus minoribus administrationis Angliæ, quibus, prout eorum procuratores, præsentium latores, vestræ sanctitati plenius exponent, tot et tanta ordinis imminent pericula et religionis suæ detrimenta; quod nisi a sanctitatis vestræ providentia congrua apponantur remedia, timetur nec immerito, quod multi de infirmioribus abibunt retro, de firmioribus multi concutiantur et vacillabunt. Dividetur eorum unitas per dissensiones, referent pedem multi et magni qui eorum habitum suscipere decreverant; peribit decor[2] tantæ religionis, scanda-

A letter to pope Gregory IX. in praise of the Friars Minors.

S. Matt. vii. 8.

[1] *rimosa*] ruinosa, Ox. | [2] *decor*] om. C.C.C.

lizabitur in eis plebis multitudo, clamans auri fulgorem
Isa. i. 22. *versum esse in scoriam.* Quæ si acciderent, quod absit, manifestum est quod in ecclesia Dei recurrerent abominationum sordes, quæ per dictorum fratrum catholicam prædicationem et eminentem mundissimamque conversationem jam fuerant expurgatæ, unita rursus[1] dividerentur, nutarent fortia, et fuscarentur decora. Ut autem vestræ sanctitatis zelus tantis obstet malorum vitiis, non opus est rationibus vel auctoritatibus suadere, licet non possit condolens affectus pro obstando eisdem malis non exorare; ipse enim zelus se ipsum excitat, stimulat, propellit, et erigit invincibili vigore contra omnem machinationem vergentem in puritatis, unitatis, firmitudinis, et decoris domus Dei demolitionem. Non expetit igitur zelus tantus nisi mali imminentis eversionem.[2] Quod ut evidentius in suo contrario perspiciatur, sciat pro certo sanctitas vestra quod apud nostrates per dictos fratres inæstimabilia perveniunt bona. Illuminant enim totam nostram regionem præclara luce prædicationis et doctrinæ. Sua sanctissima conversatio vehementer accendit ad mundi contemptum et spontaneam paupertatem, ad humilitatem tenendam etiam in dignitate et potestate, ad præstandam omnimodam obedientiam prælatis et capiti ecclesiæ, ad patientiam in tribulatione, ad abstinentiam in abundantia, et ut ad unum dicam, ad omnium virtutum opera. O si videret vestra sanctitas quam devote et humiliter accurrit populus ut audiat ab illis verbum vitæ, ut confiteatur peccata, ut instruatur in[3] regulis vitæ agendæ, quantumque ex eorum imitatione profectum suscepit clerus et religio,
Isa. ix. 2. diceret profecto quod *habitantibus in regione umbræ mortis lux orta est eis!* Providebit igitur sanctitatis

The excellence and usefulness of the friars.

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[1] *rursus*] rimis, C.C.C., Ox.
[2] *eversionem*] ostensionem, Ox.
[3] *in*] om. Ox.

vestræ zelus, ne tanta luce extincta vel obfuscata, quod avertat Lux vera, obtegant et obvolvant regionem, quam præ aliis specialiter diligit, antiquæ e[rr]orum et peccatorum tenebræ, jam lucis eorum radiis plurimum effugatæ. Incolumitatem vestram conservet Altissimus per tempora longa mihi et Ecclesiæ suæ.

LIX.

Venerabili in Christo patri, Dei gratia [Raynaldo] Episcopo Ostiensi, sanctæ Romanæ ecclesiæ Cardinali, Robertus permissione divina Lincolniensis ecclesiæ minister humilis, salutem et quam debitam tam devotam cum omni reverentia obedientiam. 1238 ?

Cum Fratres Minores per regnum Angliæ constituti sua salubri prædicatione populum efficaciter illuminent ad veritatem cognoscendam, et suæ sanctissimæ conversationis exemplo vehementer accendant eundem ad veritatem faciendam, ut tanquam lux nova illuminans et vegetans *in tenebris videatur exorta*, vos quoque præ cæteris post summum Pontificem principaliter et specialiter constituerit Dominus eisdem in refugium et protectorem, ut sub alis vestris foveantur ad incrementa bonorum et protegantur contra machinationes malorum. Ad vestram specialiter et principaliter spectat sollicitudinem tanta in eis et per eos in aliis non solum inchoata, sed et plurimum provecta bona, ad ampliora incrementa confovere, et imminentia mala adversantiaque tantis bonis clipeo vestræ protectionis excludere. Licet itaque prædictis fratribus prædicta debeatis specialiter ex protectoris officio, nec egeat vestræ sanctitatis zelus exhortationibus seu precibus in hac parte stimulari, cum ipse ferventissimus zelus vester sit sufficiens stimulus sibi ipsi, non potest tamen affectus meus, quem ad præfatos fratres non immerito gero, silere, sed cogit seipsum paternitati vestræ

The Friars Minors are commended to the protection of cardinal Raynald [afterwards Pope Alexander IV.]

Ps. cxi. 4.

in preces quantum potest humiles et devotas pro eisdem fratribus se totum effundere, supplicans et obsecrans, quatinus contra pericula ordini et religioni suæ imminentia per procuratores eorundem fratrum vestræ paternitatis discretioni[1] plenius exponenda, consilium, auxilium, et remedium efficaciter apponatis. Timetur enim non immerito, quod nisi convenientia citius subveniant remedia, unius hominis effrænata voluntate occasionem vel causam, ut dicitur, præstante, dissolvetur in magna parte fratrum unitas, tepescet religionis fervor, ducentur multi pœnitentia qui jam habitum susceperunt, mutabuntque propositum qui se suscepturos habitum proposuerant, scandalizabitur in eis clerus et populus, cum *auri color optimus* in scoriam apparuerit conversus, extinguetur tam fulgens lucerna; redibuntque peccatorum et errorum tenebræ quæ velut exorta nova luce jam fuerant plurimum exterminatæ. Valeat in Domino sancta paternitas vestra.

Lam. iv. 1.

LX.

1238.

Venerando in Christo patri Othoni, Dei gratia Sancti Nicholai in Carcere Tulliano diacono cardinali, Apostolicæ sedis legato, Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et quam debitam tam devotam obedientiam et reverentiam.

Gal. v. 6.

On the appointment to the bishoprick of Winchester then vacant.

Ps. lxviii. 10.

Quia *fides per dilectionem operans* vos indissolubiliter unit Christo, non potest *zelus domus Dei vos non comedere,* sed quanto propinquior in corpore Christi est vera[2] conjunctio ipsi capiti, tanto amplius vos

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[1] *discretioni*] discretionem, C.C.C. | [2] *vera*] vestra, Ox.

comedit assidue ardens[1] fervor ejusdem zeli, et quanto estis in superiore gradu constituti, tanto decet pinguiorem esse oblationem hujus sacrificii, cum nullum sit Deo acceptius sacrificium quam zelus domus Dei et salutis animarum. Quia igitur vestra sanctitas tanto sacrificio invincibiliter contendit placere Deo, si quis eidem sanctitati humiliter innuat, ubi hujus sacrificii oblatio pinguior occurrat, etiamsi ipsamet occurrentem limpidius prospiciat, non solum non erit molestum, sed gratum admodum et acceptum. Quod igitur ad offerendum Deo in odorem suavitatis acceptissimum prompte se offert, est zelus, pro pastore idoneo in ecclesia Wintoniensi eligendo et constituendo, et pro repellendo viriliter omnes machinationes, promotionem boni pastoris ibidem adversantes. Hoc igitur sacrificium de manibus vestris suscipiat Deus, vestri zeli sollicitudine non pigra procurante, ut in dicta ecclesia eligatur et præficiatur pastor, de quo merito debeat haberi certa præsumptio quod non affectet honorem et dignitatem sed onus, non divitias sed evangelistæ opus, non præesse sed prodesse, qui secundum Scripturam *animam suam pro grege suo* velit[2] *ponere et se ipsum* S. Joh. x. 11, 15.
in omnibus bonorum operum exemplum præbere, qui Tit. ii. 7.
gregem Dominicum in agro Scripturæ justitia et judicio, scientia et doctrina, velit et valeat pascere. De qua pascua grex vivificetur, initiatur, augeatur, et crescat ad perfectionem, dilatetur et roboretur ad constantem firmitudinem, formetur ad pulchritudinem, ad veritatis circumspectionem illuminetur et [ad] adoptionem in filios Dei nobilitetur. Hæc enim et alia hujusmodi plura confert scientiæ et doctrinæ pascua, sicut vos melius nostis teste Scriptura. Quapropter cum gradum pastoralem occupat qui scientia et doctrina gregem non pascit; ipse primo sibi mortem adquirit, quia sine

[1] *ardens*] om. C.C.C. | [2] *velit*] velut, C.C.C.

sonitu prædicationis ingrediens et egrediens tabernaculum incedit, mortisque gregis totius reus est, cum pastum debeat et non solvit, unde gregem vivere oportet. Nec possunt a participio hujus reatus immunes esse, qui precibus seu pretio, minis seu terroribus vel fallacibus persuasionibus vel aliis machinationibus, nituntur aliquem talem in loco pastoris collocare, vel qui procurantibus pro viribus suis non nituntur obsistere. Et quia domino regi sacramentum fidelitatis præstitimus, nec satis est ei fidelis qui famæ suæ detrimento et animæ suæ negligit pro modulo suo obviare periculis, volentes pro modulo nostro ad fidelitatis debitæ observationem quale possumus prædictis domini regis periculis remedium procurare, vestræ sanctitati referimus quod famæ celebris clamore divulgatum audivimus; quia si vera sunt quæ clamat fama, per vestram tantam sollicitudinem poterit adhiberi medela. Clamat itaque fama celebris quod dominus rex jamdiu prope Wintoniam moram fecit, et adhuc facit, cum minis et terroribus, tum blandis promissis, precibus, et persuasionibus incessanter temptans Wintoniensis ecclesiæ conventum inducere, ut eum et non alium eligat sibi in pastorem et episcopum, quem ipse dominus rex duxerit eidem conventui nominare. Quod si verum sit, quantumcumque sit persona quam nominare duxerit dominus rex præcipua, non mediocriter regiam et etiam personæ nominatæ vel nominandæ famam denigrat et dehonestat, et eligendi libertatem, quam ipse dominus rex præcipue tueri tenetur, vehementer offendit, et in animæ ipsius non modicum periculum vergit. Vestra igitur sollicitudo, quæ sola post Deum hoc potest, ad præsens periclitationem famæ et salutis domini regis et ecclesiasticæ libertatis et salutis multarum animarum pie condolens, prædictis, si vera sunt, festinum et efficax apponat remedium, tam domino regi quam dicto[1]

The king is trying to force the convent to elect his nominee.

[1] *dicto*] dictui, C.C.C.

conventui modis omnibus persuadendo, quod solum Deum habentes præ oculis, nil aliud intendant in prædicta electione quam pastorem bonum et episcopum animarum eligere; talem videlicet qui non sibi per cupiditatem *assumat honorem; sed vocatus a Deo* Heb. v. 4.
tanquam Aaron, sit irreprehensibilis sine crimine, offerens dona et sacrificia laudis et spiritus contribulati pro sibi commisso grege; qui *prædicans*[1] *verbum* 2 Tim. iv. 2, 5.
stet opportune importune arguens, obsecrans, increpans in omni patientia et doctrina, in omnibus vigilans et laborans, ut sic cum Timotheo *impleat ministerium* episcopale. Absit enim, absit, ut tantæ navis gubernaculum in mari tam vasto, tam procelloso et scopuloso tradatur manui gubernare nescienti aut negligenti, aut impotenti. Absit ut talem traditionem quisquam procuret. Absit ut tali traditioni quisquam consentiat. Absit etiam ut qui potest talem traditionem viribus omnibus non impediet. Valeat sancta paternitas vestra per tempora longiora.

LXI.

Reverendo in Christo patri Othoni, Dei gratia Sancti 1238.
Nicolai in carcere Tulliano diacono cardinali, Apostolicæ sedis legato, Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et quam debitam tam devotam obedientiam et reverentiam.

An explanation of the previous letter on the appointment of a fit person to the

Quod inter tot et tantas occupationes tam dulcifluo diligentique stylo nostræ parvitati dignata est rescribere sanctitatis vestræ paternitas, ostendit eam, ad imitationem regnantis Domini caritatis, indutam[2] invincibili fortitudine et humilitatis admirabili decore. Hujus tam humilis caritatis jubar, quod in-

[1] *prædicans*] prædictas, C.C.C. | [2] *indutam*] inductam, C.C.C.

bishoprick of Winchester, which the cardinal has misunderstood.

star solis universam terram illustrantis, suæ lucis radios super omnes generaliter diffundit, super nostræ parvitatis infirmitatem, ut[1] multiplici probavimus experientia, quadam specialis affectionis radiositate gratiori refulsit amplius et suavius, sicut sol quædam terræ loca perlustrat et confovet, plenius emissis illuc radiis, directius et uberius. Accidit autem plerumque quod terræ particula quam sol irradiat, in suæ radiositatis virtute aliquid exhalet nubilum de propria tenebrositate, quod tamen cito dissipant vis descendentis luminis et lenis auræ flatus de eadem terra spirantis. Huic aliquid consimile nobis accidit; quia sicut ex tenore vestri dulciflui rescripti perpendimus, de tenebris insipientiæ nostræ in pagina, quam vestræ sanctitati direximus, aliquid exhalavit nubilum, quod tamen perstantibus in sua virtute caritatis vestræ radiis, super nostram parvitatem uberius diffusis, accedente verborum hujus paginæ tanquam auræ lenis spiramine, speramus penitus dissipandum. Voluimus namque in præfata pagina, quam vobis direximus, conditiones boni pastoris breviter tangere, et incidimus in illud poeticum,

Hor. Ars Poet. 25.

"Brevis esse laboro" et
"Obscurus fio."

Cum enim doctrina et operatio generaliter contineant quæ bonum pastorem perficiunt, ea quæ pertinent ad doctrinam, aliquantum diffusius et luculentius scripsimus: quæ vero ad operationem attinent, brevitatis et obscuritatis nubilo nimis obteximus, ut quasi omissa omnino viderentur, licet nostra intentio plus etiam in dicta pagina bene operantem quæsierit quam præclare docentem; nec crediderit se, qualem vos luculenter et eleganter describitis, operantem omnino siluisse. Mallemus utique, sicut et vos magis vultis, pastorem utris-

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[1] *ut*] et, C.C.C.

que pollentem, quam in altero deficientem: sed quanto operatio est major doctrina, et quanto iter peragere majus est quam qua eundum est prospicere; tanto vobiscum majorem reputamus et præeligimus pastorem operibus strenuum sine doctrinæ eruditione, quam preclare docentem absque operum strenuitate. Insuper ex fine rescripti vestri percepimus quod nostræ paginæ finis habebat aliquid nubilum in quo potuit credi aliquid asperum seu pungitivum. Sed sciat caritas vestra quod de imperitia eloquendi plane quod voluimus, processit ut pungitivum, quod nequaquam intendebamus, ibi potuerit quoquo modo apparere. Avertat enim a nobis Dominus ut quenquam, nedum vestram sanctitatem nobis perpetuo carissimam, malignitatis alicujus aculeo attemptemus contingere, et credimus firmiter quod hæc vestra caritas de nobis non suspicatur. Sed in generalitate verborum, quæ in fine nostræ paginæ posuimus, intendebamus, quod tamen minus expressimus, quasi medicinali ferro saniosa tubera cupide aspirantium ad majora, salubriter aperire, et saniem exprimere, et emplastrum sanativum apponere. Vestram autem sanctitatem, quam veraciter credimus et speramus in Domino Jesu Christo sincerissimam, intendebamus non solum per paginæ nostræ totalitatem, sed per singulas ejus particulas, quinimo et per singulas ejus dictiones et syllabas et literas eo modo stimulare in pugna et cursu ferventis zeli de idoneo pastore præficiendo in ecclesia Wintoniæ, quomodo spectatores viriliter pugnantium eosdem applausu stimulant et excitant ad acrioris pugnæ indefessam continuationem, et equorum generosorum sessores eosdem equos, toto annisu sponte currentes, nihilominus calcaribus urgent ad cursus integram perfectionem. His stimulis multifarie multiplicatis, optamus toto desiderio vos indesinenter stimulari in indefessis pugna et cursu prædicti zeli; donec, vestro cooperante ministerio, providerit Dominus ecclesiæ suæ de tali pastore

qualem nos scimus continuis et anxiis cordis gemitibus ab eo postulari[1]. Valeat sancta paternitas vestra per tempora longiora.

LXII.

1238. *Venerabili in Christo fratri et amico carissimo Radulpho*[a], *Dei gratia Cicestrensi Episcopo, domini regis cancellario, Robertus, eadem gratia Lincolniensis ecclesiæ minister humilis, salutem et sincerum fraternæ caritatis augmentum.*

[a] Ralph de Neville.

He declines to grant the request of the bishop of Chichester to second his suit with the pope.

Rogavit nos dilectionis vestræ sinceritas quatenus scriberemus domino Papæ et specialibus nostris in curia pro postulatione vestra in forma quam Deo et ecclesiæ et honori vestro videremus convenire; quod, sciat caritas vestra, devoto animo faceremus si formam his convenientem noscemus; est[2] autem veræ amicitiæ lex, ut quemadmodum benigne concedit petitum quod credit petenti utile, sic neget quod credit petenti damnosum, quantumcunque fuerit, et sibi ipsi quod petitur negare, et petenti repulsam pati, molestum. Ex hac lege amicitiæ Deus, qui summus amor est, carissimos suos plerumque non exaudit ad votum, licet eosdem eo ipso quod non exaudit ad votum, exaudiat ad salutem. Ex hac eadem lege amicitiæ vos non exaudiens nostra, quam erga vos gerimus, dilectio, ad vestrorum consiliariorum votum, exaudiet vos, ut speramus, ad salubriorem effectum. Sicut enim nobis plane videtur, si pro vestra postulatione domino Papæ seu venerabilibus patribus sanctæ Romanæ ecclesiæ cardinalibus a quoquam scribatur, statim forte ab eorum aliquibus dicetur, et proculdubio a vestris adversariis omnibus, constanter clamabitur, hujusmodi scriptionem a vobis esse procuratam, et ex hoc ipso contra vos nascetur violenta præsumptio, quod locum ad quem postulati estis affectatis tanquam locupletiorem,

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[1] *postulari*] postulare, CCC. | [2] *est*] et, Ox.

allegabuntque contra vos maxime adversarii vestri, quod eo ipso sitis repellendi, proferentes in medium illud canonicum, "Sicut is qui invitatus renuit, quæsi-"tus refugit, sacris altaribus est admovendus, sic qui "ultro ambit vel importunum se ingerit, proculdubio "est repellendus;" et iterum illud, "Sicut locus regi-"minis desiderantibus negandus est, ita fugientibus "offerendus;" et illud Apostolicum, "*Nec quisquam* "*sumit sibi honorem, sed qui vocatur a Deo tanquam* "*Aaron; sic et Christus non semetipsum clarificavit* "*ut Pontifex fieret, sed qui locutus est ad eum, Filius* "*meus es tu, ego hodie genui te;*" et illud quod Beatus Bernardus scribit[1] ad Papam Eugenium, videlicet, quod "non volentes neque currentes" assumat ad pontificatum, "sed cunctantes et renuentes, qui "non sint attritæ frontis, sed verecundi, sed timorati, "præter Deum timeant nihil, nihil sperent nisi a "Deo." Hæc et alia hujusmodi, imo et his violentiora, quorum tam in sacra pagina et scripturis canonicis quam sacræ paginæ expositionibus, copiosa ut scitis, est abundantia, libenter allegarent contra vos qui vobis adversantur, nactâ occasione etiam levissima de modico signo affectationis honoris. Ideo, ut nostræ modicitati videtur, multo consultius est ut a nemine pro vestra scribatur postulatione, ne forte, quod absit, inde paretur læsio unde sperabatur salutis augmentatio. Totum igitur negotium istud committatur Deo; quia si incepta est ejusdem ordinatio de voluntatis ejus beneplacito, non desistet ante consummationem ab incepto; *non enim est abbreviata manus ejus*, quin valeat consummare quod incepit ædificare. Nec hoc[2] dicimus quasi coadjutores Dei in hujusmodi esse non debeamus, sed tanquam exquirenda sint in talibus non humanæ prudentiæ sed divinæ sapientiæ adminicula;

Decretum Gratiani, Pars. 2. Caus. i. qu. 6. f. 125.

Ib. Caus. viii. qu. 1. f. 179*b*.

Heb. v. 4, 5.

S. Bernard. De Consideratione, iv. § 12, col. 1063.

Isa. lix. 1.

[1] *scribit*] om., C.C.C. | [2] C.C.C. repeats *hoc*.

Philipp. ii. 21. et tanquam non nostra sed solum *quæ Jesu Christi sunt*, in his sunt appetenda; ut videlicet in ecclesia sua præficiantur pastores ipsum Pastorem summum imitantes, qui gregem Dominicum judicio pascant et justitia, scientia et doctrina, animas suas pro grege suo parati ponere; "qui," sicut docet beatus Bernardus, "stent viriliter pro afflictis, et judicent in æquitate pro "mansuetis terræ; qui sint compositi ad mores, pro-"bati ad sanctimoniam, parati ad obedientiam, mansueti "ad patientiam, subjecti ad disciplinam, rigidi ad "censuram, catholici ad fidem, fideles ad dispensatio-"nem, concordes ad pacem, conformes ad unitatem; qui "sint in judicio recti, in consilio providi, in jubendo "discreti, in disponendo industrii, in agendo strenui, "in loquendo modesti, in adversitate securi, in pros-"peritate devoti, in zelo sobrii, in misericordia non "remissi, in otio non otiosi, in hospitio non dissoluti, "in convivio non effusi, in cura rei familiaris non "anxii, alienæ non cupidi, suæ non prodigi, ubique "et in omnibus circumspecti."

S. Bernard. De consideratione, iv. § 12, col. 1063.

Si talium pastorum ferventi desiderio, quæ solius Christi sunt quæramus, quæ nostra sunt non quærentes, Ipse cui cura est de omnibus quæ nostra sunt, quæret et sine nobis melius quam desiderare sciamus, universa consummabit. Valeat fraternitas vestra in Domino.

LXIII.

1238. *Robertus Dei gratia Lincolniensis Episcopus dilectis in Christo filiis Abbati*[a] *et Conventui Rameseiensi salutem, gratiam, et benedictionem.*

[a] Ralph, appointed abbat in 1231.

1 Cor. xiv. 40. 2 Cor. vi. 3. Before the abbey

Quia *omnia* in nobis *honeste et secundum ordinem fieri* decet, *ut non vituperetur ministerium nostrum*, cavendum est nobis summopere ut nihil attemptemus[1] in nostro ministerio quod obviet antiquis approbatis con-

[1] *attemptemus*] acceptemus, C.C.C.

suetudinibus, seu sacrorum canonum institutionibus, seu sanctorum patrum et expositorum sacræ paginæ traditionibus. Habet autem antiqua et approbata[1] consuetudo, ut de ecclesia dedicanda efferantur omnia quæ non possumus rationabiliter interpretari partes esse domus dedicandæ; quæ autem rationabiliter dici possunt domus dedicandæ esse particulæ, in suis locis remaneant incorrupta et fixa; ut ostia, fenestræ, trabes, muri et parietes etiam interiores, et sedilia fixionem manentem tenentia; imagines vero, horologia, thecæ, sedilia non fixa, et mortuorum tam fidelium quam infidelium corpora quæ notum est infra domum dedicandam esse sepulta, vel in thecis reposita, quia domus dedicandæ particulæ nequaquam existunt, efferri de majorum præcepto consueverunt. Unde, sicut pro certo accepimus ab his qui interfuerunt, beatæ memoriæ Stephanus Cantuariensis archiepiscopus, cum ecclesiam conventualem Sanctæ Trinitatis Londoniæ dedicaret, tam corpora sanctorum quam aliorum in eadem ecclesia quiescentium efferri fecit, et statim ecclesia dedicata cum debita veneratione referri. Canonum quoque institutio habet quod ecclesiam in qua cadavera mortuorum fidelium vel infidelium sepeliuntur, sanctificare non licet. Beatus quoque Gregorius Castorio episcopo Ariminensi oratorium Timotheæ[2], illustris fœminæ, committit dedicandum, si tamen "nullum corpus ibidem constet esse humatum." Ideo vobis mandamus firmiter injungentes, ut in vespera diei dedicationis ecclesiæ vestræ, omnia quæ in particulas ecclesiæ vestræ computari rationabiliter non possunt, efferri faciatis, et etiam sanctorum corpora in loco competenti extra ecclesiam honorifice collocanda, nocte tota cum devotione in vigiliis et orationibus observanda, peracto dedicationis officio, cum solennitate

church of Ramsey is consecrated, all furniture not being fixtures, and all bodies are to be reverently removed: to be replaced after consecration.

S. Gregor. Epist. Lib. ii. 12. p. 577.

[1] C.C.C. inserts *et*.

[2] *Timotheæ*] Themothee, C.C.C.

debita referenda; et quia sanctorum loculi cum summa devotione et timore mentisque puritate sunt contrectandi, consulimus in Domino, ut ante dictorum corporum commotionem, jejuniis, vigiliis, orationibus, et eleemosynarum largitionibus vosmetipsos purificantes, eorundem sanctorum impetrare satagatis consolationem.

LXIV.

1238. *Sanctissimo Patri et Domino Gregorio, Dei gratia summo Pontifici, Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, pedum oscula beatorum.*

Grosseteste sends his clerk S. de Arden to pope Gregory IX. to explain his wishes.

Non solum abundans, sed et superabundans multiplicium beneficentiarum gratia, quam meæ parvitati gratis exhibuit sanctitatis vestræ benignitas gratiosa, id parvum quod sum totum rapit in gratiarum actionem perpetuam; et quia gratiæ proprium est ut quem gratis prævenit, eundem supplicem etiam amplioribus subsequatur beneficiis, spem firmissimam gero quod vestræ sanctitatis affluens gratia et instar *putei aquarum viventium quæ fluunt impetu* [1] *de Libano,* (Cant. iv. 15.) semper magis ac magis exuberans, me supplicem vestrum, quem uberrimis infudit initiis, usque in finem subsequetur, augmentata superfusione beneficentiæ copiosioris. Ex hujus itaque spei confidentia, ad pedes vestræ sanctitatis dilectum in Christo clericum meum S. latorem præsentium, procuratorem meum, mitto, quanta devotione valeo humillime supplicans, ut quæ vestræ sanctitati ex parte parvitatis meæ proponet, audire dignemini solita benignitate, quæ in his justa fuerint et honesta in honorem Dei seu libertatem ecclesiasticam seu animarum salutem tendentia, solito benignitatis favore prosequentes: siqua vero per meam vel dicti procuratoris mei negligentiam his fuerint pro-

[1] *impetu*] in puteo, C.C.C.

posita contraria, misericordi severitate repellentes; quia non minus reputandum est beneficium, quod minus juste vel minus honeste petitur, non annuere, quam juste et honeste petitum concedere. Incolumitatem vestram conservet Altissimus, per tempora longa, mihi et Ecclesiæ suæ.

LXV.

Venerabili in Christo patri Raimundo, Dei gratia Sancti Eustachii diacono cardinali, Robertus miseratione divina Lincolniensis ecclesiæ minister humilis, salutem, et quam debitam tam devotam cum omni reverentia obedientiam. 1239?

Congratulates cardinal Raymond on his promotion, and hopes he will help his cause in the Roman court.

De vestra promotione, sicut literatorie rogastis, gratias exsolvimus Domino Jesu Christo, sperantes quod eadem sit non mortua, sed viva promotio: tunc autem est promotio viva, cum potestativa dignitas temporaliter transitura animatur elevatione spiritus in immutabilia[1]; ut quantum qui promotus est, priori statui supereminet, adquæsitis potestate et dignitate, tantum, imo incomparabiliter amplius, ejusdem spiritus sublimetur solius æternitatis superfervido amore, æternorum perspicua contemplatione, transitoriorum omnium despectione, et non ficta humiliatione animi de timore periculi ex collocatione in gradu sublimi, de quo gradu imminet major cadendi facilitas et læsionis in cadendo gravitas, cum ibi plus tonent potentium minæ, violentius fulminent[2] eorundem terrores, fortius impulsant[3] temptationum flatus, et lubricantior sit pedis fixio humectato loco divitiarum affluente luto, ubi sola securitas est nunquam esse securum, sed semper pavidum et trementem, et cum afflicto Job, *omnia opera sua* Job. ix. 28.

[1] *in immutabilia*] non in mutabilia, Ox.

[2] *fulminent*] fulmineat, C.C.C., Ox.

[3] *impulsant*] impellant, Ox.

verentem. Quia itaque speramus vestram promotionem non mentis elatione mortuam et depressam, sed spiritus contribulati humiliatione, ut diximus, vivam, et in cælestia erectam; sola enim humilitatis profunditas miro modo est cælum attingens sublimitas; de vestra promotione gaudemus in Domino et laudes ei referimus; et quia in fine literarum vestrarum dedistis nobis audaciam confidenter petendi a vobis quæ nostro complacent desiderio, fiducialiter rogamus vestram dilectissimam paternitatem quatinus negotiis nostris in curia expediendis, quatinus fulciuntur honestate et justitia, favorem, consilium et auxilium solito benignitatis more velitis impendere.

Permission has been given to the vicar of Maxey to accompany the cardinal if he finds a substitute, but in future he refers such matters to the cardinal himself.

Cæterum rogastis nos ut vicarium de Makesia licentiaremus ad standum in vestro servitio, dummodo faceret vicariæ suæ alterius sacerdotis ministerio deserviri; quod hucusque, licet cum trepida conscientia, benigne permisimus: et quia in hujusmodi ex mentis nostræ pusillanimitate et potestatis nostræ parvitate timidi sumus, quanta possumus affectione, vestræ paternitatis discretionem rogamus, quatinus ipsamet de cætero quam Deus sua clementia in pleniori constituit potestate et majori conscientiæ securitate, in dicta licentiatione et consimilibus ordinet et disponat secundum quod noverit ad Dei honorem cedere et animarum saluti expedire; quæ duo tantæ dignitatis sanctitatem non ambigendum est omnibus transitoriis commodis incomparabiliter præferre; veruntamen quod de hujusmodi in diœcesi nostra ordinaverit, exemplo beati Gregorii, nobis velit insinuare. Ad hæc quia cum

Ps. lxviii. 10. Ps. xxv. 8.

Psalmista dicitis: *Zelus domus tuæ comedit me;* et iterum: *Domine, dilexi decorem domus tuæ et locum habitationis gloriæ tuæ;* quam vera sit Psalmodizantis

The restoration of the church of Castor

affectio, probabit ecclesiæ vestræ de Castre, cum opportunitas occurrerit, adornatus et reparatio. Valeat in Domino sancta paternitas vestra.

LXVI.

Viro venerabili, domino Johanni de Ferentino domini Papæ camerario, Robertus miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et sinceram in Domino dilectionem. 1239 ?

Sufficienti nobis constat certitudine, quod vestra dilectio sincera, quæ nos non nostris meritis sed sua bonitate arctius est amplexata, in adventu vestro de nostris partibus ad curiam et continue deinceps, æmulorum nobis detrahentium et nostram parvitatem apud sanctissimos patres, summum videlicet Pontificem sibique assistentes cardinales, omnino adnullare molientium, ora livida obstruxit, et *dentes eorum in ore*[1] *ipsorum contrivit, molasque confregit;* adjecitque insuper, nos licet indignos apud dictos patres sanctissimos multipliciter collaudare et benevolentiam adversus nos captare, negotiisque nostris et ecclesiæ modicitati nostræ commissæ expediendis, ad honorem Dei et salutem animarum, salubre consilium et efficax auxilium incessanter præstare. Tantis beneficiis cum ipsimet non habeamus quod condignum retribuamus, orabimus semper Omnipotentem, qui solus potest, scit, et vult, non solum condigne sed supra condignum omnia remunerare, quatinus ipse vestram remuneret beneficentiam secundum latitudinem largitatis suæ. Et quia radicata dilectio naturaliter expandit se incessanter in latiores ramos beneficentiarum, maxime cum supplici gratitudine, velut rore quodam irrigatur; quanta possumus grata devotione supplicamus, quatinus ea quæ de vestræ dilectionis radice jampridem pullulaverunt, in ampliorem continue propagentur latitudinem. Valeat dilectio vestra in Domino.

Thanks to J. de Ferentino for silencing Grosseteste's detractors, and forwarding his business at Rome.

Ps. lvii. 7.

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[1] *in ore*] om. C.C.C.

LXVII.

1239? *Venerabili in Christo patri Egidio, Dei gratia sanctæ Romanæ ecclesiæ cardinali, Robertus miseratione divina Lincolniensis ecclesiæ minister humilis salutem, et quam debitam tam devotam cum omni reverentia obedientiam.*

Thanks to Cardinal Giles for his kindness.

Dilectionis vestræ lumen quod super omnes generaliter effunditis quadam specialitatis radiositate gratiori super meam parvitatem, (retribuat vobis Omnipotens,) abundanter effudistis, cujus confotionem et consolationem multiplicem sentiens, quantascunque valeo indesinentes refero gratiarum actiones. Et quia dilectionis natura est ut semper suscipiat incrementum, donec venerit quod perfectum est, supplico quam humili possum devotione, ut erga meam modicitatem gratis concepta dilectio dicta incessanter vigeat natura, et quem quasi matutinalis radii perfudit calore, augmentando perficiens, meridiano consolidet fervore. Valeat sancta paternitas vestra in Domino.

LXVIII.

1239? *Venerabili in Christo patri Thomæ, Dei gratia sanctæ Romanæ ecclesiæ cardinali, Robertus miseratione divina Lincolniensis ecclesiæ minister humilis, salutem, et quam debitam tam devotam cum omni reverentia obedientiam.*

A request that Cardinal Thomas will advance Grosseteste's

Longo cremento solidata robora apta sunt ad supportandum in ædificiis onera, etiamsi fuerint non mediocriter gravia; dilectio autem vestra ad Lincolniensem ecclesiam a tempore bonæ memoriæ Hugonis prædecessoris mei, velut arbor imputribilis, hucusque est cre-

scendo roborata, et ideo ad supportandum ædificii spiritalis ejusdem ecclesiæ onera non modicum est apta. Onera autem hæc sunt negotia ad honorem Dei et salutem animarum mihi licet indigno commissarum in curia expedienda; ideoque velut fortem onerum supportitorem in dictis negotiis expediendis, specialem vos elegi consolatorem et adjutorem; ad pedes vestræ sanctitatis humiliter prostratus supplicans, quatinus per S.[a] procuratorem meum vestræ paternitati exponenda, in honorem Dei et salutem animarum tendentia, solito benignitatis favore velitis prosequi et promovere; his autem adversantia, sive a dicto procuratore, sive a quocunque alio proposita, studeatis intuitu caritatis excludere. Valeat sancta paternitas vestra in Domino.

cause in the Roman court.

[a] S. de Arden.

LXIX.

Dilectissimo sibi in Christo Fratri Ernulfo, domini Papæ pœnitentiario, Robertus miseratione divina Lincolniensis ecclesiæ minister humilis salutem et sinceræ caritatis affectum. 1239?

Aquæ multæ non poterunt extinguere caritatem et flumina non obruent eam. Non enim obfuscabit eam fluxa voluptas, aut opprimet terrorum impetuositas, non abolebit eam edax fluentis temporis vetustas, sive labatur fluens tempus suaviter in prosperis, sive currat cum impetu in adversis: sed magis de his omnibus proficit, et occasionem crementi usque ad perfectum sumit; ideo quoquo modo mutentur mutabilia, quorsumcumque vertantur vertibilia, vestra sincera caritas erga nos jam diu gratis concepta non tantum manebit fixa, sed in sua fixione stabilis roborabitur augmentata, cujus calore, quia ignis vitalis est, speramus et rogamus nos confoveri, ejusque luce profundi, cujus attractu, quia

Cant. viii. 7.

Hopes for his continued friendship.

funiculus est, a puteo malorum in quo sumus extrahi, cujus protectione, quia clipeus est, ab imminentibus malis defendi, sub cujus umbra, quia arbor est, contra calorem noxium [1], suave desideramus refrigerium. Et licet certi sumus quod vestra caritas hæc gratissima nobis gratis offerat solatia, supplicia tamen pro his vestræ benignitati effundimus precamina, ut si forte prolixum medium inter vestram conversationem cælestem et nostram terrestrem aliquo rerum volventium obducatur nubilo, precibus effusis velut auræ flatu serenetur, et liberior ad nostrum unum vestræ dilectionis radiis transitus præparetur. Valeat sancta paternitas vestra in Domino.

LXX.

1239 ? *Venerabili in Christo patri [Raynaldo,] Dei gratia episcopo Ostiensi, sanctæ Romanæ ecclesiæ cardinali, Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et quam debitam tam devotam cum omni reverentia obedientiam.*

Thanks for his assistance at the Roman court.

S. de Arden.

Paternitatis vestræ dulciflua benignitas, studens beneficiis præcurrere nostram parvitatem, affluenter prævenit gratissimæ beneficientiæ copia largiori. Exhibuit enim se sine nostris meritis dilecto nostro magistro S.[a] latori præsentium, procuratori nostro, admodum familiarem et negotiis nostris in curia per ipsum expediendis [2] plenissime favorabilem, pro quibus sanctitati vestræ gratias referimus quantum possumus devotas et uberes; toto mentis affectu supplicantes quatinus benignitatis et favoris vestri [3] ostium nobis semper pandatur

[1] *noxium*] noctium, C.C.C.
[2] *expediendis*] expedientis, Ox.
[3] *vestri*] om. Ox.

apertius, et maxime in his in quibus hostiæ zeli animarum, qua non est alia Deo acceptior, potest offerri sacrificium pinguius. Valeat in Domino sancta[1] paternitas vestra.

LXXI.

Robertus, Dei gratia Lincolniensis Episcopus, dilectis in Christo filiis Willelmo decano et capitulo Lincolniensi salutem, gratiam, et benedictionem. 1239.

He calls on the dean [William de Tournay] and chapter of Lincoln to explain wherein he has done wrong, instead of appealing to the pope, and indulging in vague publick denunciations.

Secundum legem divinam et naturalem, filii carnales parentibus suis rependunt amorem, timorem, honorem, obedientiam, sufferentiam, verendorum velationem, et defectionis in sensu veniam et relevationem; et quanto spiritus est major et melior corpore, spiritalisque cognationis nexus incorruptior omni carnali proximitate, tanto filii spiritales ad parentes suos prænominatas affectiones et operationes observant sincerius et incorruptius in omni integritate. Ego autem, licet sim homo contemptibilis, utpote invalidus et infirmus corpore, multoque debilior et infirmior mente, relatione tamen paternitatis spiritalis et ex vestra electione, ordinante Domino, ad vos referor, et secundum quod conscientia mea, tenebris peccatorum obfuscata, seipsam dijudicare potest, credo et confido in Domino quod ad vos universos et singulos paternum gero affectum, sicut homo peccator potest, sincerum et incorruptum; sperans quod cooperante Salvatoris nostri gratia, *neque tribulatio neque angustia, neque persecutio aut etiam gladius* a paternali affectu ad vos me separabit. Et quia in spiritalibus bonis me, qui in illis modicum aut nil vigeo, incomparabiliter amplius vos vigetis, non pos-

Rom. viii. 35.

[1] *sancta*] om. C.C.C.

sum non sperare, quin ex parte vestra stet filialis affectio ad me sincera et incorrupta; quia etiam arbor bona affectionis puræ et voluntatis bonæ non potest fructus bonos correspondentium sibi bonarum operationum non facere; non possum non existimare, quin sincera et incorrupta integritas vestræ filialis affectionis voluntarie proferat erga me fructus quales decent filios intemeratæ obeditionis, ut videlicet, secundum

Ecclus. iii. 15. doctrinam scripturæ *in defectibus sensus mei veniam donet*, infirma mea supportet, verenda mea velet, non pallio adulatoriæ excusationis seu falsæ justificationis

Isai. v. 20. quæ *dicit malum, bonum; et bonum, malum; ponens lucem tenebras, et tenebras lucem:* quia hujusmodi coopertio impia est pudibundorum detectio, faciens ipsa in tumorem exuberare, donec turpius erumpant in apertum; sed pallio manifestæ denunciationis et evangelicæ correptionis, quæ mala non statim mundo propalet; sed prius mihi, non eorum quædam solum, sed quotquot noverit, dilucide describat, non sub generalitate quadam divisibili in plures species, cum angulus generalitatis interius tenebrescat et sordes

S. Joh. iii. 20. colligat,—quales angulos non quærit veritas, sed hi *qui male agunt et lucem odiunt ut arguantur eorum opera*—sed per species specialissimas, quæ subdivisionem in ulteriores species non capiunt; his malis quæ per se mala non sunt, habentia in seipsis suæ malitiæ evidentiam, adnectens, sine alicujus occultatione, circumstantias et causas quibus ad genus mali trahuntur. Talis enim malorum manifestatio apud eos qui bonum et verum diligunt, est vera et pia verendorum occultatio; quia dilectoribus veri et boni mala sua veraciter agnoscentibus, statimque ea deserentibus, et compunctione tergentibus, mali turpitudo delectionis velamine beatissime contegitur. Quia igitur hujusmodi velamento malorum meorum maxime indigeo, vehementerque illud desidero, ut connumerari merear inter illos *quorum*

remissæ sunt iniquitates et quorum tecta sunt peccata, Ps. xxxi. 1.
supplico et obsecro per Salvatorem nostrum Dominum Jesum Christum,—insuper quoque non ex imperandi libidine, sed ex correctionis amore, cum evangelicum sit verenda patris prædicto modo velare, in virtute obedientiæ præcipio,—quatinus sub forma præscripta verenda malorum meorum sine moræ dispendio cooperiatis, et præcipue illa, siqua tamen sunt, quæ asseritis in injuriam vestri vergere, ob quod ad dominum Papam vocem appellationis emisistis. Spero enim et confido in Domino nostro Jesu Christo qui est Veritas æterna, quod aliquam scintillam amoris veritatis in anima mea, licet peccatrice, accendit; ex qua, Ipsius favente gratia, promptum habebo animum ad mala deserenda, cum mihi mala esse patuerint, et omnes injurias revocandas et corrigendas, si quas, quibusque, et maxime vobis, a me irrogatas agnoverim. Novit autem *scrutator cordium et renum,* quod intentionis Ps. vii. 10.
meæ, ut spero, nunquam fuit in ministerio officii episcopalis cuiquam injuriari aut jugum servitutis imponere, aut quorumque bonas consuetudines infirmare; sed pro modulo meo, secundum officii mei debitum, animas a diaboli laqueis irretitas eripere, a jugo servitutis peccati eruere et in Spiritus libertatem erigere. Quia tamen *omnes justitiæ nostræ sunt sicut pannus men-* Isai. lxiv. 6.
struatæ, et *in multis offendimus omnes;* ille quoque S. Jac. iii. 2.
supereminenter justus *verebatur omnia opera sua;* scio Job. ix. 28.
quod licet pravæ intentionis in hac parte non sim mihi conscius, tamen in hoc non sum justificatus, sed vehementer in omnibus timeo meos errores; et ideo, ut supra insinuavi, vehementer desidero eorundem filiales correptiones et coram Domino justas et misericordes correctiones. Certus sum autem quod si ego et vos non diligamus nosmetipsos plusquam veritatem, neque sententias nostras defendamus quia nostræ sunt, sed solum quia veræ; veritatem, sicut decet filios veritatis, nobis et nostris præferentes, cito et de facili

faciemus quod scribens Corinthiis obsecrat Apostolus,
1 Cor. i. 10. videlicet, *id ipsum dicemus omnes, et non erunt in nobis schismata, sed perfecti erimus in eodem sensu*
S. Joh. xiv. 6. *et in eadem scientia.* Ipse autem qui est *via, veritas, et vita,* qui pro veritate servanda et animabus salvandis vitam suam pretiosissimam dedit morti acerbissimæ et turpissimæ, lumine vultus sui signato super nos dissipet et destruat amorem nostri et nostrorum plusquam veritatis et salutis animarum; ne quisquam nostrum reperiatur de numero illorum propter quos dicit Apo-
2 Tim. iii. 1, 2. stolus, quod *in novissimis diebus instabunt tempora periculosa, et erunt homines seipsos amantes;* quos etiam ex mali hujus radice pullulantibus consequenter, ut nostis, perniciosissimis involutos ostendit accidentibus; hujusmodi enim homines sui et suorum plusquam veritatis amatores, ipso principe Babylonis videntur elatiores; quia ipse ad similitudinem Altissimi se extulit, hi autem [1] se efferunt ad superpositionem. Cum enim se præferunt veritati, cui se præferunt nisi Altis-
S. John xiv. 6. simo Filio Dei? Ipse enim ait: *Ego sum via, veritas,*
2 Tim. iii. 5. *et vita;* non immerito igitur præcipit Apostolus, *tales devitare;* nos igitur et hos devitemus, et nobis|metipsis 9
incomparabiliter et insuperabiliter veritatem et veram animarum salutem, ad imitationem veri Magistri humilitatis, præferamus. Vos autem tanquam filios carissimos, obsecro per aspersionem sanguinis Jesu Christi et per adventum Ejus ad tremendum judicium, qui animam suam pro ovibus suis in cruce posuit, et vos pastores idem facere docuit, quatinus pro salute animarum operanda non solum vestra quantumcunque pretiosa, sed etiam vosmetipsos abnegetis, meque [2] debilem et pigrum in ministerio salvationis animarum, et insufficientem in eodem ministerio fideliter, filialiter, et viriliter juvetis, nulla eidem opponentes obstacula vel

[1] *autem*] om. C.C.C. | [2] *meque*] neque, C.C.C.

impedimenta, vel opponi procurantes, sed omnia, quantum in vobis est, auferentes; ut simus omnes unum in Christo, *qui est pax nostra, qui fecit utraque* Eph. ii. 14. *unum*. Valete.

LXXII.

Viro venerabili, et amico in Christo carissimo, magistro Johanni Romano, subdecano Eboracensi, Robertus Dei gratia Lincolniensis Episcopus, salutem et sinceræ dilectionis affectum. 1239 ?

Grosseteste explains why he cannot institute S., (nephew of his correspondent,) who is very illiterate, to Stamford on Avon.

Dei Filius de sinu Patris venit in uterum Virginis, de qua natus est homo; qui æternaliter natus est Deus de Deo, et impassibilis secundum Divinitatem, post contumelias, flagella, colaphos, sputa, derisiones, crucis mortem subiit probrosissimam et acerbissimam, ut salvos faceret peccatores; in hoc instruens doctores et pastores ecclesiæ, ut ad ejus imitationem non timeant subire quantumcunque infima, quantumcunque probrosa, quantumcunque aspera et dura pro suarum ovium salute; quinimo sicut ipse sponte sustinuit hujusmodi omnia pro salvandis animabus, sic et ipsi eadem causa ad hæc gaudentes omnibus accelerent conatibus; quibus igitur incumbit ex officio pro animarum sibi commissarum salute, omnia etiam molestissima et confusibilia gaudenter sustinere, quanta percellendi sunt damnatione cum non solum salutem animarum negligunt, sed scienter et prudenter, quantum in ipsis est, easdem perditioni tradunt[1]? Quod evidentissime faciunt, qui curam animarum voluntarie committunt, aut committi procurant, his qui eas curare nequeunt, aut nesciunt, aut nolunt. Nam qui navem hominibus plenam in mari scopuloso et procelloso re-

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[1] *tradunt*] traduntur, C.C.C.

gendam tradit imbecilli, puero, vel paralytico, seu artis navalis penitus ignaro, seu nolenti manum unquam adjungere gubernaculo, quid aliud facit quam navem cum hominibus evidenter tradit naufragio, reum[1] se constituens mortis omnium, etiamsi aliunde nacto adjutorio evadant mortis periculum? Hæc et alia hujusmodi, summe pertimescenda in traditione curæ animarum, non quantum oporteret, crebro tamen considerans, nil in conspectu tremendi Judicis tantum pertimesco, quantum animas curandas tradere his de quibus certum est, quod animas nequeunt, aut nesciunt, aut nolunt curare; cum hoc sit, quantum est in hujusmodi voluntarie tradendo[2], animas pro quibus Christus mortuus est, pro quibus etiam et pastor mori debet, discrimini tradere. Hujus timoris clavis non confixus, unde vehementer doleo, tamen aliquantulum, ut spero, punctus, nepoti vestro D. omnino fere illiterato, quod, teste Domino, valde molestum gero, regimen ecclesiæ de Stamford super Avene non ausus sum committere; ne primo me tradentem gubernaculum, illumque recipientem, animasque gubernandas, quantum in me est, demergam in profundum; ut *urgeat super nos* omnes, quod avertat Deus, *puteus*, de quo non est regressus, *os suum*. Non itaque vestræ molestum erit sapientiæ si momentaneum et parvum cujusquam contemnam commodum, ne ipse et ego multique alii æternum et intolerabile incurramus dispendium. Novit autem Is quem nil latet, quod affectuoso animo paratus sum facere ea quæ vobis noverim complacere; dum tamen tremendo Judici crediderim ea non displicere. Non enim ingratus sum vestræ beneficientiæ, quæ multoties multipliciter meam parvitatem honoravit; oportet nos omnes tamen incomparabiliter magis esse gratos Ei qui Seipsum pro nobis tradidit. Valete.

Ps. lxviii. 16.

[1] *reum*] rerum, C.C.C.
[2] *tradendo*] tradende, C.C.C., Ox.; tradente, $C.C.C_2$.

LXXII.*

Domino Cantuariensi directum.[1] 1236?

Dominus rex Angliæ constituit abbates justitiarios itinerantes per hujusmodi breve: A letter to the archbishop on various violations of the liberties of the church. The king has appointed certain abbats justices itinerant.

Henricus Dei gratia, &c., tali abbati salutem. Sciatis quod constituimus vos justitiarium nostrum ad itinerandum ad omnia placita nostra cum dilectis et fidelibus nostris talibus in comitatu tali. Et ideo vobis mandamus, rogantes quatinus onus prædictum justitiariæ una cum prædictis et fidelibus nostris vobis ad præsens assumere velitis: ita quod iter vestrum in comitatu prædicto ad diem et locum quos vos et socii vestri ad invicem videritis expedire incipiatis, talem diligentiam in hac parte apponentes, quod diligentiam vestram ad hoc appositam non immerito debeamus commendare cum gratiarum actione speciali. Teste me ipso, et cetera.

In primis videtur infallibiliter ostendi posse, quod abbates per hujusmodi mandatum tale onus justitiariæ assumentes, graviter peccant. Cuilibet enim est susceptio cujuslibet officii seu potestatis illicita, si eidem actus et usus ejusdem officii seu potestatis est illicitus; si enim actus et usus officii seu potestatis illiciti sunt alicui, aut utendo abutetur officio et potestate, aut si non utatur eisdem, frustra et cassa et otiosa erit eorum susceptio. Igitur sive utatur sive non utatur, peccabit, cum uti[2] non possit nisi illicite et abutendo. Non uti vero non possit, nisi assumendo illa in vacuum et otiositatem. Ac per hoc etiam sic reputabuntur in peccatum, cum Apostolus exhortetur *ne in vacuum gratia Dei recipiatur,* a qua gratia non excluditur aliqua potestas, cum secundum Apostolum, *Omnis potestas sit a Deo et ordinata,* et ordo divinæ prudentiæ et naturæ et rationis etiam et artis exigat ut nihil sit frustra vel otiosum; unde cum assumitur quid in vacuum et otiosum, assumitur contra ordinem divinæ prudentiæ et naturæ et rationis et artis. Quod etiam sic assu-

Abbats who undertake this office sin grievously.

2 Cor. vi. 1.

Rom. xiii. 1.

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[1] *Domino . . . directum*] om. C.C.C. | [2] *uti*] om. Ox.

mitur, non recto fine fit, quia nullo fine; fit et certum est quod omne quod non recto fine fit, peccatum est:
S. Matt. xii. 36. et si secundum verbum Salvatoris de *quolibet verbo otioso reddenda est ratio in die judicii,* quomodo non magis, vel saltem æque, reddenda est ratio de otioso officio seu otiosa potestate? Manifestum est autem quod usus et actus officii et potestatis justiciarii itinerantis ad omnia placita regia est cuilibet abbati illicitus, cum hujusmodi actus et usus extendant se etiam ad judicia in causis sanguinis, cum etiam hæ pertineant ad placita domini regis. Quod si dicat quis quod intentio domini regis non est nisi ut constituat abbates justitiarios itinerantes in causis secularibus aliis quam in causis sanguinis, etiam hujusmodi officii susceptio est abbati illicita, cum Apostolus ad Corin-
1 Cor. vi. 4. thios dicat, *Secularia igitur judicia si habueritis; contemptibiles qui sunt in ecclesia, illos constituite ad judicandum;* contemptibiles scilicet, non imperitia judicandi, sed vitæ inferioris merito et dignitatis gradu, et impotentia percipiendi spiritalia. Sed nunquid viri contemplativi sunt de contemptibilibus in ecclesia?
Eph. v. 27. Nonne ipsi præcipue sunt sponsa Christi *sine macula*
Gen. xxix. 17. *et ruga?* Nonne ipsi sunt *Rachel decora facie et*
S. Greg. Pastoral. ii. cap. vii. p. 24. *venusta aspectu?* Beatus Gregorius in Pastorali ait: "Paulus religiosorum mentes a mundi consortio contes- "tando ac potius conveniendo suspendit, dicens: *Nemo*
2 Tim. ii. 4. "*militans Deo implicat se secularibus negotiis.* Hinc "ecclesiæ rectoribus et vacandi studia præcipit et
1 Cor. vi. 4. "consulendi remedia ostendit, dicens: *Secularia igitur* "*negotia si habueritis, contemptibiles qui sunt in* "*ecclesia, illos constituite ad judicandum,* ut ipsi "videlicet dispensationibus terrenis inserviant, quos
S. Bernard De Consideratione, i. c. 6. Opp. ii. col. 1013. "dona spiritalia non exornant." Bernardus quoque ad Eugenium papam ait: "Audi Apostolum: *Con-* "*temptibiliores qui sunt in ecclesia, illos constituite* "*ad judicandum.* Itaque secundum Apostolum, in-
1 Cor. vi. 4. "digne tibi usurpas tu apostolice officium vile, gradum

" contemptibilium." Et paulo post, "Non monstra- S. Bernard.
" bitur, puto, ubi quispiam Apostolorum judex sederit Ibid.
" hominum, aut divisor terminorum, aut distributor
" terrarum. Stetisse denique lego Apostolos judicandos,
" sedisse judicantes non lego. Erit istud, non fuit.
" Mihi tamen non videtur bonus æstimator rerum, qui
" indignum putat Apostolis vel apostolicis viris [non]
" judicare de talibus, quibus datum est judicium in
" majora. Quidni contemnant judicare de terrenis
" possessiunculis hominum, qui in cælestibus et
" angelos judicabunt? Ergo in criminibus, non in
" possessionibus vestra potestas; quoniam propter illa,
" et non propter has, accepistis claves regni cælorum,
" prævaricatores utique exclusuri non possessores, *ut* S. Matt. ix. 6.
" *sciatis*, ait, *quia Filius Hominis habet potestatem in*
" *terra dimittendi peccata*, &c. Quænam tibi major
" videtur et dignitas et potestas, dimittendi peccata,
" an prædia dividendi? Si[1] non est comparatio,
" habent hæc infima et terrena judices suos, reges et
" principes terræ. Quid fines alienos invaditis? Quid
" falcem vestram in alienam messem extenditis?"

Ex his beatorum Gregorii et Bernardi auctoritatibus, liquet quod ad potestates seculares, et non ad dignitates ecclesiasticas pertinet causarum secularium discussio et decisio; personæ namque in gradibus et dignitatibus ecclesiasticis constitutæ sunt velut *stellæ*, Gen. i. 17. *quas posuit Deus in firmamento cæli*, et tanquam elementa mundi superiora, et tanquam volucres cæli quæ penna contemplationis petunt excelsa.

Cum igitur immergunt se his terrenis et infimis, sunt velut stellæ decidentes, et in gurgite cœnoso se involventes; sunt etiam velut si aër et ignis naturaliter leves et superna petentes, in ponderositatem conversi, locum aquæ et terræ perturbato rerum ordine

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[1] *si*] sed, S. Bern.; Si enim operatio, Ox.

occuparent; et tanquam si aves cæli, relicta regione superiori, fierent cum talpis in obscuris terræ, ejusdem terræ suffossores. In libro Paralipomenon secundo
2 Chron. xix. 11, 10. *Amarias sacerdos et pontifex* constituitur præses *in his quæ ad Deum pertinent;* ut ostenderet veritatem, *ubicunque quæstio erat de lege, de mandato, de cærimoniis, et justificationibus. Porro Zabadias, filius Ismael, qui erat dux in domo Juda, super ea opera erat, quæ ad regis officium pertinebant.* In his igitur duobus, quorum alter erat de genere sacerdotali, reliquus vero de tribu Benjamin, satis manifestatur ea negotia quæ ad Deum pertinent, tradenda esse personis ecclesiasticis, ea vero quæ ad seculum, personis secularibus; unde sicut dicit Jeronimus, "duo sunt genera "Christianorum; est autem unum genus quod man- "cipatum divino officio et deditum contemplationi et "orationi, ab omni strepitu temporalium cessare con- "venit, ut sunt clerici et Deo devoti, videlicet conversi. "Aliud vero genus est Christianorum, ut sunt laici; his "concessum est uxorem ducere, terram colere, inter "virum et virum judicare, causas agere." In hac itaque distinctione patet quod judicium seculare inter virum et virum et actio causarum secularium, (de his enim certum est Jeronimum intendisse), solummodo laicis attributa sunt, segregatis clericis et Deo devotis ab eorundem occupatione. Et cur non pudeat sacerdotes Christianos secularibus negotiis implicari, cum sicut
S. Hieron. adv. Jovinianum, lib. ii. § 12. Opp. ii. 342. narrat Jeronimus ex relatione "Chæremonis stoici, viri "eloquentissimi, vita antiquorum sacerdotum superstitiosorum Ægypti talis fuit, quod omnibus mundi negotiis curisque postpositis, semper in templo fuerint, "et rerum naturas causasque, ac rationes siderum "contemplati sint." Quomodo igitur non sunt scandalum ecclesiæ Christi sacerdotes Christiani, quos non pudet facere quod sacerdotes gentiles judicarunt nefas attemptare? Si igitur membrum quod scandalizat, amputandum est, quid hi districto judicio nisi ab

ecclesia amputandi sunt? *Væ enim homini per quem* S. Matt.
scandalum venit. Apostolus Paulus ait ad Corinthios, xviii. 7.
Quapropter si esca scandalizat fratrem meum, non 1 Cor. viii.
manducabo carnem in æternum, ne fratrem meum 13.
scandalizem. Quare igitur non magis, aut saltem æqualiter, dicant hodie prælati, Si implicatio mea in judiciis secularibus scandalizet fratrem, non implicabo me his in æternum? Imo tanto magis est hoc dicendum, quanto victus est magis necessarius ventilatione causarum. Præter hæc abbates non solum semel in professione sua, sed et secundo in benedictione, vovent solenniter se observaturos regulam quam profitentur.
In regula autem beati Benedicti scribitur quod mo- Regula S. Benedicti,
nachus se debet "a seculi actibus facere alienum," et cap. iv. 20.
quod "abbas vices Christi agit in monasterio." Secu- Ib. cap. ii.
laria autem judicia quis dubitat esse de actibus seculi? Et si vices Christi agit in monasterio, quomodo judicabit de hæreditatibus et hujusmodi secularibus, cum Christus cuidam de turba petenti quatinus diceret fratri suo ut divideret secum hæreditatem, respondit
dicens, *Homo, quis me constituit judicem aut divi-* S. Luc. xii.
sorem super vos? In hoc manifeste dans exemplum 14.
viris ecclesiasticis et præcipue religiosis, ut[1] secularia non pertractent judicia. Voti igitur transgressorem se constituit vir religiosus, si excurrit in talia, maxime non incidenter, sed ex deliberatione suscepto hujusmodi potestativo officio. Abbates ergo justitiarii religionis excellentiam reddunt vilem et contemptibilem, Rachelis venustatem convertunt in Liæ lippitudinem,
falcem mittunt in alienam messem, et *transferunt* Job. xxiv.
terminos, quos patres sui posuerunt, lucem convertunt 2.
in tenebras, et caput in caudam, et quod sursum est in deorsum, rerum ordinem perturbantes, sacerdotibus gentilibus impudentiores, ecclesiæ scandalum. Et ne pars sincera trahatur, membrum districto examine

[1] *ut*] et, C.C.C.

amputandum. Convincuntur igitur ex his, ut reor, abbates justitiarii ex susceptione et executione talis officii graviter peccare; quod propositum erat ostendere. Canonicæ etiam sanctiones eosdem evidenter concludunt sub peccato; secundum canones enim fas non est curiæ vel publicarum rerum nexibus implicatos, divinis servituros applicare ministeriis. Nunquid igitur e converso fas erit divinis ministeriis applicatos publicarum rerum nexibus implicari? Absit. Sicut enim scribitur iterato in canone, "episcopus aut "sacerdos aut diaconus nequaquam seculi curas assu- "mat; sin aliter, deiciatur." Basilius quoque episcopus, velut unus de laicis, in causis secularibus occupatus, "quoniam hæc res ipsum vilem reddidit et reverentiam "sacerdotalem adnihilavit, ad revertendum ad hoc," ex mandato beati Gregorii "districta executione compulsus "est." Sed numquid hæc eadem res abbatem non reddit vilem, et reverentiam religionis adnihilat? Propter hoc, sicut infra scriptum est in canone, eum quem ex dignitate gradus ecclesiastici oportet irreprehensibiliter vivere; neque judicem neque cognitorem secularium negotiorum vult hodie Christus ordinare, ne præfocatus præsentibus hominum curis non possit verbo Dei vacare; sed hæc opera sibi invicem exhibeant vacantes laici, et in hujusmodi gradu constitutum nemo occupet ab his studiis per quæ salus hominibus datur.

Decret. Gratiani I. Distinct. 88.

S. Gregor. Epist. x.10. Opp. iii. 1048.

The same is true also of all other ecclesiastical persons.

Ratio etiam evidens non solum religiosos, sed etiam alios in sacris ordinibus constitutos, convincit non[1] posse esse judices seculares. Terra namque Deo dicata in humanos usus non revocatur: sicut[2] neque domus dicata Deo, neque vasa sacra, neque vestes sacræ, in humanos usus assumi possunt; valde enim execrabile esset et omnium hominum aspectibus abominabile, si cœmiterium convertetur in agrum vel hortum, ecclesia in stabulum, vel horreum, vel aulam, vel aliam officinam

[1] *non*] nos, C.C.C. | [2] *sicut*] similiter, Ox.

ad usus communes hominum, altare in mensam epulantium, fialæ et calices in pocula compotantium, vestesque sacræ in laicale indumentum. Cum igitur harum rerum naturis incomparabiliter sit nobilior hominis natura, ejusque sacratio in sacrorum ordinum susceptione major sit talium sacrorum sanctificatione, arctiusque his deputetur divinis ministeriis; quomodo non est multo magis execrabile, verumque aspicientibus plus abominabile, quod homo per sacros ordines et curam pastoralem dedicatus et deputatus divino ministerio, revocatur ad seculum per ministerium implicatus[1] seculari negotio? Præterea, sicut in[1] decretali 2 Tim. ii. 4.
epistola scriptum est, *secularia negotia*, quibus prohibet Apostolus *militantes Deo implicari*, ministris altaris necnon et monachis omnino sunt interdicta, de quorum secularium negotiorum numero, sicut in eadem scriptum est, contentiones vel lites vel rixas amare, et in placitis secularibus disputare, excepta defensione orphanorum aut viduarum. Cum igitur judicem secularem oporteat in placitis secularibus disputare, si miter altaris vel monachus constituitur judex secularis, oportet eum incidere in illud quod ei interdictum est auctoritate Apostoli et universalis ecclesiæ, ac per hoc reatum inobedientiæ incurrere, qui *quasi scelus est* 1 Sam. xv. 23.
idololatriæ et ariolandi. Iterum in alia decretali sub interminatione anathematis inhibetur, nequis sacerdos officium habeat[2] vicecomitis aut præpositi secularis. Iterum alia decretalis prohibet ne quisquam clericorum exercere præsumat procurationes villarum, aut jurisdictiones etiam seculares sub aliquibus principibus et secularibus viris, ut justitiarii eorum fiant. Si quis autem adversus hæc advenire temptaverit, ab ecclesiastico ministerio fiat alienus; religiosis, si quisquam eorum aliquid prædictorum attemptaverit, districtius puniendis.

Cum igitur adversus naturale jus et divinum nulli

[1] Ox. inserts *sum*. | [2] *habeat*] om. C.C.C.

quicquam agere licet; et leges principum naturali et divino non prævaleant juri, neque possint ecclesiastica jura dissolvere, neminique liceat de sedis apostolicæ judicio judicare aut ejus sententiam retractare, neque divinas constitutiones, vel apostolicæ sedis decreta temerare; neque constitutionibus et jussis principum, cum obviant divinis et canonicis institutis, a viris ecclesiasticis maxime sit obtemperandum: manifestum est, quod non solum abbates, sed et quicunque viri ecclesiastici, licet constitutionibus aut consuetudinibus aut jussis principum pulsati, prædictas et innumeras consimiles apostolicæ sedis constitutiones et decreta per officium justitiariæ temerantes, per inobedientiæ re-

1 Sam. xv. 23.

pugnantiam *peccatum ariolandi et quasi scelus idololatriæ* committunt.

The king, who compels them to fill these offices, and the prelates who do not resist, also sin grievously.

Cum igitur qui compellit ad peccatum ipsemet peccat compellendo, et qui non resistit peccato cum possit ipse etiam peccat approbando et consentiendo, liquet quod dominus rex compellendo abbates vel alios viros ecclesiasticos ad officium justiciariæ, et prælati non occurrendo tam subditorum quam ipsius domini regis peccato, graviter peccant. Si enim Johannes Baptista alienigenæ regi peccatum suum non siluit, sed ei contradicendo in facie restitit etiam usque ad decollationem, quomodo episcopi sacerdotes Christi regi Christiano et domino suo, cui sacramentum fidelitatis præstiterunt, animæ suæ periculum non denudabunt? Si videntes temporalis salutis suæ dispendium, eidem dispendio pro viribus non occurrentes, merito censentur ejus proditores, quomodo non pejoris[1] proditionis rei erunt, si æternæ salutis suæ periculo etiam usque ad vitæ temporalis jacturam non obvient[2]? Ipsi enim sunt præcipue, qui ex perfectione caritatis non solum res suas, sed etiam animas, nec tantum pro ovibus

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[1] *pejoris*] pejores, C.C.C. | [2] *obvient*] obvierit, C.C.C.

suis, sed pro omnibus, et præcipue pro divinis debent ponere. Quod si dicat quis, quod secundum Evangelium, *reddenda sunt quæ sunt Cæsaris Cæsari, et quæ sunt Dei Deo,* ac per hoc habentes baronias tenentur domino regi reddere rationem baroniarum, justitiariæ ministerium, respondetur leviter et breviter, quod si baroniæ virorum ecclesiasticorum debent domino regi justitiariæ ministerium, non propter hoc viri ecclesiastici, quibus est tale ministerium illicitum, solvent illud per personæ suæ actum proprium, sed per alterius personæ actum, cui tale ministerium est licitum; quemadmodum actum militiæ et armorum, quem ratione baroniarum debent in defensionem patriæ, non solvunt per se, eo quod eis non licet arma portare, sed solvunt per alios pro se, quibus talia licent per se. Non solum autem religiosis maxime, et consequenter aliis ecclesiasticis personis, illicitum est secularis justitiariæ officium exercere, sed et secundum præscriptas rationes officium vicecomitatus et quodlibet officium consimile, et maxime ad quod spectat sæva exercere.

S. Matt. xxii. 21.

Similiter contra constitutiones canonicas evidenter faciunt ecclesiasticæ personæ, cum ballivas seculares tenent, de quibus tenentur viris secularibus ratiocinia reddere, provinciali Concilio hoc manifeste prohibente. Quanta etiam dispendia temporalia passa fuerit ecclesia Anglicana, cum ecclesiastici viri qui hujusmodi ballivas tenuerint, vel non redditis ratiociniis ab hac luce subtracti sunt, vel in ratiociniis reddendis defecerunt, quis ignorat; cum ipsi etiam episcopi compellantur de fructibus beneficiorum hujusmodi virorum satisfacere secularibus personis, quibus ad ratiocinia erant obligati; et sic qui tenentur res ecclesiasticas defendere, et ut in pios usus convertantur providere, coguntur esse ministri conversionis earundem in defectuum secucularis officii recompensationem? Cum hæc autem et

It is also against the canons for ecclesiasticks to hold secular stewardhips.

hujusmodi canonicis obvient[1] institutis, quam excusationem coram tremendo judicio habebunt episcopi, qui his pro viribus se non opponunt, præsertim cum in consecrationibus suis solenniter promiserunt traditiones orthodoxorum patrum ac decretales sanctæ et Apostolicæ sedis constitutiones se veneranter[2] suscepturos, docturos, atque servaturos?

The liberties of the church of England have been injured by ecclesiasticks being compelled to submit themselves to lay tribunals.

Est et aliud usurpatum et usitatum in regno Angliæ in violationem et diminutionem libertatis ecclesiasticæ, videlicet quod viri ecclesiastici, plerumque cum impetuntur ex aliqua causa in actione personali, et maxime eo quod dicuntur quicquam fecisse contra tenorem prohibitionis regiæ vel regio mandato non obtemperasse, compelluntur in hac parte judicio laicali se subicere. Sicut enim *illa, quæ sursum est Jerusalem, quæ est mater nostra* in cælis triumphans, *libera est* respectu ejus quæ adhuc in terris militat; sic et pars ejus quæ in terris militat, collecta ex personis ecclesiasticis, libera est respectu ejus partis quæ collecta est ex fidelibus laicis; in cujus libertatis typum Pharao dimisit Abrahæ Sarram uxorem suam liberam, et *præcepit super Abraham viris, et eduxerunt eum et uxorem illius et omnia quæ habebat* de Egypto. In libro quoque Machabæorum decretum est, ut *Jerusalem sit sancta et libera cum finibus suis.* Et quæ est Jerusalem nisi collectio virorum ecclesiasticorum per contemplationem et segregationem a tumultu seculari in visione pacis existentium? In eodem quoque libro subsequenter scriptum est, *Quicunque confugerit in templum, quod est Jerosolimis, et in omnibus finibus ejus*[3], *obnoxius regi in omni negotio dimittatur, et universa, quæ sunt ei*[4], *libera habeat.* Qui vero

Gal. iv. 26.

Gen. xii. 20.

1 Macc. x. 31.

1 Macc. x. 43.

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[1] *obvient*] obtinent, C.C.C.
[2] *veneranter*] reverenter, C.C.C$_2$.
[3] *ejus*] om. C.C.C.
[4] *ei*] eis, CCC. Ox.; ejus, C.C.C$_2$.

confugiunt in templum quod est Jerosolimis, nisi viri ecclesiastici qui electi sunt de mundo et fugientes mundum, assumpti sunt in perpetuum ecclesiæ ministerium. In libro quoque Esdræ ex edicto Artaxerxis regis scriptum est, *Vobis notum facimus* Ezra vii.
de universis sacerdotibus, et Levitis, cantoribus, 24.
janitoribus, Nathinæis, et ministris domus Dei hujus, ut vectigal, et tributum, et annonas non habeatis potestatem imponendi super eos. Joseph quoque *subjecit terram Egypti Pharaoni et omnes populos ejus* Gen. xlvii.
a terminis novissimis Egypti usque ad extremos fines 20–22.
ejus præter terram sacerdotum. Igitur sacerdotes dimissi sunt liberi, aliis omnibus subjectis servituti. Non enim dimissa erat terra eorum libera, ipsis remanentibus sub jugo servitutis. Sunt et alia hujusmodi innumera Scripturæ testimonia, libertatem ecclesiæ et virorum ecclesiasticorum testificantia. Sed si viri ecclesiastici respectu laicorum in superiori gradu libertatis consistunt, aut etiam respectu laicorum sunt liberi, quod laici eorum respectu nec liberi quidem merentur dici, quemadmodum nec Ismael respectu Isaac, nec Esau respectu Jacob, quomodo a laicis judicabuntur? Quomodo enim liberior a minus libero vel a non libero judicabitur? Nonne cum laici cogunt clerum ad forum suum, Egyptii moderni reducunt Sarram in Egyptum, crudeliores certe ipsis antiquis Egyptiis, qui licet illam aliquandiu in Egypto detinuerunt, eductam tamen in libertatem nunquam in servitutem reduxerunt? Reges gentiles, non solum sacerdotes et ministros domus Dei, sed etiam sacerdotes idolorum, ut ex præscriptis patet, ob reverentiam sacerdotalem dimiserunt liberos, et reges Christiani sacerdotes et ministros ecclesiæ subicient servituti, cogentes eos suis inferioribus, id est, laicis, in judicio subici, et eisdem inferioribus tribuentes potestatem, ut si ministri ecclesiæ eorum judicio cadant in causa, imponant eis vectigal et tributum, id est, onus grave pœnæ pecuniariæ? Absit ut reges Christiani

imponant tempore gratiæ sacerdotibus Christi, quod reges gentiles abhorruerunt imponere, quidam sacerdotibus Veteris Testamenti, quidam etiam sacerdotibus idoli. Ad hæc sicut in libro Numerorum scriptum est;
Num. iii. 12; viii. 6. Dominus *tulit Levitas a filiis Israel et de medio filiorum Israel, pro omni primogenito qui aperit vulvam in filiis Israel,* de quibus etiam discretive
Num. iii. 12. subjungit, dicens, *eruntque Levitæ mei.* Si igitur viri ecclesiastici nunc tempore gratiæ gaudere debent æquali privilegio vel majori Levitis Veteris Testamenti, sublati sunt nunc de medio residui populi,
Isa. xxiv. 2. ut non sit *sicut populus, sic et sacerdos.* Sed si cum reliquo populo sacerdos judicatur a laico, impletum est id prophetæ vaticinium, prænuncians dejectum sacerdotium, *et erit sicut populus, sic et sacerdos.* Præterea, si discretive dicit Dominus, *eruntque Levitæ mei,* non relinquit eos subjectos alterius potestati. Si enim Levitæ essent alterius quam Dei, non diceret de his discretive, *eruntque Levitæ mei.* Si igitur Levitæ sunt sic Dei, quod alterius potestati non relinquuntur subjecti, non poterit secularis potestas judicare Levitas, quia omnis qui judicatur judicantis est, eo quod de potestate illius est[1]. Seculares igitur judices clerum judicantes, erigentes cervicem et calcaneum contra Deum, usurpant ut suum quod Deus sibi reservavit tanquam proprium. Præter hæc omnis judex, unde judex est[2], dignior, et superior, et major est eo quem judicat; potestas igitur laicalis unde clerum judicat, clero se constituit digniorem, superiorem, et majorem; cum secundum ordinem rerum proximo sub Deo sit ecclesia triumphans, et sub divina potestate potestas triumphantis ecclesiæ, sub qua proxima est potestas cleri et sacerdotii, collocata in infimo potestate seculari et subjecta potestati cleri et sacerdotii. Constituere

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[1] C.C.C$_2$. inserts *et potestas illius est;* Ox. has *et potestatis illius* after *illius.*
[2] *unde judex*] om. C.C.C.

igitur potestatem laicalem judicem cleri, est caudam in caput convertere, naturaliter inferiora superius collocare, et superiora ad imum detrahere, ac per consequens omnia perturbare. Et cum perversor ordinis justo judicio patietur quod facit; tantum deprimentur tales judices sub suis gradibus, quantum deprimendo alios se erigunt supra suos gradus. Amplius autem sicut sapientia est ad potentiam et spiritus ad carnem, sic clerus est ad populum et sacerdotium ad regnum. Sed sapientia in omnibus regit, gubernat, et moderatur, ac per hoc dijudicat potentiam; potentia autem nunquam in aliquo potest dijudicare sapientiam; igitur nec populus clerum, nec regnum sacerdotium. Similiter spiritus vivificat, movet, et regit carnem, suæque subicit ditioni. Nunquam autem e contra caro præest spiritui, nisi ex parte ea qua perversus est spiritus hominis. Cum igitur potestas laicalis clerum dijudicat, potentia contra rerum ordinem dijudicat sapientiam, et caro sibi subicit spiritum. Nonne clerus et populus sacerdotium et regnum sunt, sicut duo homines, quorum alter est spiritalis et reliquus[1] carnalis sive animalis; et alter item sapientia prævalens, reliquus vero potentia? Sed de spiritali dicit Paulus: *Spiritalis autem dijudicat omnia et ipse a nemine judicatur.* (1 Cor. ii. 15.) Et licet opera Trinitatis sit indivisa, puto tamen quod per quandam appropriationem *dedit Pater omne judicium Filio,* licet *quia Filius hominis est.* (S. John v. 22, 27.) Nihilominus tamen quia sapientia est, omne igitur judicium sapientiæ tribuitur. Non enim judicat potentia, nisi unde est sapientiæ ministra. Omne igitur judicium proprie[2] per auctoritatem est sacerdotii et cleri. Retinuit tamen sibi sacerdotium, ut per leges divinas et ecclesiasticas proprio ministerio ad pacem peccatoris in culpis et rebus ecclesiasticis exerceret judicium, principibus vero seculi tradidit, ut per leges civiles et

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[1] *reliquus*] reliqua, Ox. | [2] C.C.C. Ox. insert *et*.

temporales eorum ministerio ad pacem temporis perageret judicium in rebus secularibus et transitoriis. Omnia igitur judicia ecclesiæ sunt, quia sapientiæ sunt per proprietatem et auctoritatem; omnia vero judicia ecclesiastica ecclesiæ sunt per administrationem, sicut omnia judicia secularia principum et potestatum seculi sunt similiter per administrationem. Nec alteri judices alterorum judicum per ministerium judicandi invadunt fines, nisi forte cum inevitabilis cogit necessitas. Quia enim omnia judicia per auctoritatem sunt ecclesiæ, principes seculi, cum non habent superiorem judicem secularem, etiam in causis secularibus ab ecclesia requirunt judicium. Ideo et Jeremiæ qui gerit

Jer. i. 10. typum principum ecclesiæ, dictum est: *Ecce constitui te super gentes et super regna, ut evellas, et destruas, et disperdas, et dissipes, et ædifices, et plantes;* potestates igitur et judices seculares, cogentes clerum seculare subire judicium, liberam ancillant et captivant, nec quamvis liberam, sed pretio inæstimabili sanguinis

Eph. v. 27. Jesu Christi liberatam, sponsam Christi, virginem *sine macula et ruga,* matrem etiam propriam; ideoque nec immerito incurrunt maledictionem inhonorantium matrem quæ in libro Sapientiæ sub his verbis prolata

Ecclus. iii. 18. est, *Et est maledictus a Deo qui exasperat matrem.* Ipsi etiam Ægyptiis sunt crudeliores, et impietate in Deum et reverentia in sacerdotium gentilibus posteriores et impudentiores, quod Dei est proprium sibi usurpantes, gradum superiorem quam sibi congruat impudenter conscendentes. Et ideo erunt justo judicio

S. Luc. xiv. 9. *novissimum locum cum rubore tenentes,* et quia sunt ordinis perturbatores, merito fient illius loci habitatores, ubi nullus ordo, sed sempiternus horror inhabitat. Peccant igitur hujusmodi judices, peccant et clerici, judicium eorum subeuntes, peccant et prælati tantæ violationi libertatis ecclesiasticæ se non obicientes, *facti velut arietes non invenientes pascua, et abeuntes absque ulla fortitudine ante faciem subsequentis.* Cur enim non magis fortiter patiuntur injurias, deprædationes,

The judges who compel, and the clergy who submit, sin grievously.

Lam. i. 6.

exilia, vincula, et carceres, et etiam quantumvis probrosas et acerbas mortes, quam matris suæ libertatem tam inhoneste violent aut tam enerviter violari permittant? Sed quid dico, ne violari permittant, cum, quod dictum nefas est, ipsi episcopi ad mandatum regium clerum sibi subjectum ad hanc violationem matris ecclesiæ et sponsæ Jesu Christi irreverenter et truculenter compellant, factique sunt impugnatores, cujus constituti sunt defensores? Nec solum videntes lupum venientem fugiunt, sed magis cum lupo ad occidendas oves decurrunt. Nec solum sacra pagina et ordo rationis, sed etiam canonicæ sanctiones hujusmodi violationem ecclesiasticæ libertatis non mediocriter detestantur. Canonicis namque sanctionibus inviolabiliter statutum est, ut nemo unquam episcopos aut clericos apud secularem judicem accusare, vel ad seculare judicium attrahere præsumat; cum hi a nemine possint judicari qui ad Dei solius judicium reservantur. Et quid mirum si solius Dei reserventur judicio, qui in sancta Scriptura *dii* et *angeli* dicti Ps. lxxxi. 6.
sunt? Laici vero in eadem plerumque *jumentis* comparantur. Ideoque honorandi sunt a laicis, et etiam a regibus non judicandi. Quis enim vel audiat patienter Deos et angelos a jumentis judicari? Ideo non immerito et in decretali epistola cavetur, ut, cum secundum canones generaliter de omni crimine clericus debeat coram ecclesiastico judice conveniri, in hac parte canonibus ex aliqua consuetudine præjudicium non generetur. Et sicut in alia decretali scriptum est: "Clerici non solum inviti, sed etiam voluntarii "pacisci non possunt, ut secularia subeant judicia, "cum non sit hoc beneficium personale, cui renunciari "valeat, sed potius toti collegio ecclesiastico publice "sit indultum, cui privatorum pactio derogare non "potest." In alia quoque decretali sic scriptum est: "Sane quod quidam laici ecclesiasticas personas et "etiam ipsos episcopos judicio suo stare compel"lunt, eos qui de cætero id præsumpserunt, a com-

"munione fidelium decernimus segregandos." Cum igitur clerum dijudicari a laicali judice, tam evidenter obviet sacræ Scripturæ et ordini naturæ, bonis et honestis moribus, atque canonicis institutionibus, tantisque et tot sit deformatum inconvenientibus, quis dubitat et clerum peccare, matris suæ libertatem sic violando, et potestates seculares ad talia compellendo taliaque sibi usurpando, et prælatos his et consimilibus pro libertate ecclesiæ se non opponendo?

The secular judges add sin to sin in determining in doubtful cases whether they belong to the ecclesiastical or lay tribunals.

Iterum supradicti judices forenses, peccatum peccato adicientes, et fines ecclesiæ invadentes, usurpant sibi judicialiter determinare de pluribus causis et controversiis utrum illæ pertineant ad forum ecclesiasticum vel forum laicale, cum hoc nequaquam sit illorum, sed potius judicum ecclesiasticorum, quia quid sit ecclesiasticum vel quid non, non potest determinare judex secularis, cum ejus potestas judiciaria non se extendat in ecclesiastica. Potestas vero judiciaria judicis ecclesiastici extendat se etiam[1] in secularia, cum, ut supra dictum est, omne judicium per auctoritatem et per doctrinam sit ecclesiæ, licet non omne per ministerium. Is igitur, cujus potestas aliquo modo extendit se in utrumque, nec is cujus potestas extendit se tantum in alterum et minus, judicabit utrumque. Nec erit potestas secularis *judex et divisor* inter ecclesiam et seculum, sed judex ecclesiasticus qui præest ecclesiæ et seculo. Pure namque secularia a solis secularibus potestatibus sunt judicanda, sicut ab ecclesiasticis solis ecclesiastica; inter ecclesiam vero et seculum utpote cum disceptatur et dubitatur de aliquo, utrum sit ecclesiæ aut seculi ejus cognitio et judicium, potius dijudicabit superior quam[2] inferior, sapientior quam viribus potentior, spiritalis quam animalis; præsertim cum in Deuteronomio præceptum sit, *judicium difficile et ambiguum ad sacerdotem Levitici generis et ad judices qui fuerint illo*

S. Luc. xii. 14.

Deut. xvii. 8, 9.

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[1] *etiam*] om. C.C.C. | [2] C.C.C. repeats *quam*.

tempore referri. Quod si dicat quis non fuisse unum et eundem sacerdotem Levitici generis et adjudicem, sed diversos, et judicem quidem non fuisse Levitam, sed de tribu alia, ac per hoc, ut ex illa auctoritate videtur posse colligi, determinatio difficilium et ambiguorum judiciorum non pertineat solum ad genus Leviticum; et a simili arguat determinationem ambiguorum inter ecclesiam et seculum non esse solum judicis ecclesiastici: saltem concedet determinationem talium esse judicis ecclesiastici, adjuncto sibi judice seculari, quamquam determinatio difficilis et ambigui judicii, de qua fit mentio in Deuteronomio, non tam videtur esse judicii inter principes synagogæ et populum quam judicii ipsius populi, si fuerit difficile et ambiguum. Convincetur igitur sic diversificans inter sacerdotes Levitici generis et judices illius temporis, determinationem hujusmodi ambiguorum nullatenus esse solius judicis secularis; quinimo cum distinctio hujusmodi diversitatis inter sacerdotes et judices nulla possit auctoritate firmari, sed potius sit fictio cordis loquentis ex propriis, secundum supradictam rationem hujusmodi ambiguorum determinatio competit tantum judici ecclesiastico. Quod et in decretali epistola satis evidenter exprimi videtur, ubi supratactum Deuteronomii præceptum a sanctæ memoriæ Innocentio tertio luculenter exponitur. Præterea, quod gravius est, præsumunt prædicti forenses judices causas pure ecclesiasticas judicialiter determinare; utpote, utrum de lapicidinis et nemoribus et quibusdam hujusmodi debeant solvi decimæ; cum quid sit decimabile, solius sit ecclesiæ determinare. Similiter determinant judicialiter, utrum talis ecclesia vel capella habere debeat baptisterium et sepulturam, et hujusmodi, cum Baptismus, nullo dubitante, sacramentum sit ecclesiasticum, et sepultura sacra, locusque sacer qui sepulturæ deputatur; unde et exactores et acceptores pretii pro sepultura, testantibus beatis Gregorio et Jeronimo, grandem culpam incurrunt, et impietatis macula paganis fiunt posteriores, cum Effron

S. Gregor. Epist. viii. 3; ix. 2. S. Hieron. Heb.Quæst. in Gen. xxiii. 16. Opp. iii. 340.

Gen. xxiii. 15. vir paganus pretium sepulturæ ab Abraham accipere renuerit, et cum tandem licet invitus accepit, nominis sui immutationem in signum reprobationis meruerit.

An objection to this, that it does away with the rights of the king's court in cases of lay fees held or sought by clerks. The answer.

Obiciet autem forte aliquis et dicet, quod superioris ratiocinationis decursus aufert curiæ regiæ cognitionem causæ super laico feodo, quem tenet vel petit clericus, quia in hujusmodi causa clericus videtur judicari. Sed ad hoc respondetur, quod quilibet singularis homo etiam cum omnibus actibus suis unus et unum est; nec alius nec aliud est Petrus agens et Petrus simpliciter, licet alter sit vel alteratus. Nullus vero cum sua possessione est unus aliquis vel unum aliquid, sicut cum sua actione est unus aliquis et unum aliquid. In controversia igitur de facto vel qualitate facti alicujus certæ personæ, dijudicatur quis, persona videlicet agens, vel agens sic. In controversia vero de possessione non dijudicatur quis, sed quid cujus sit. Quando igitur illud quid laicale est, nihil impedit quin possit laicalis potestas dijudicare cujus illud quid sit, clerici videlicet, sive laici, cum principaliter cadat judicium super illud quid, non super personam cujus est. In altero vero genere controversiæ simpliciter cadit judicium super personam. Et ideo si persona sit ecclesiastica, non subest judicio potestatis laicalis.

The objectors also say that the king can decide in cases when clerks are sued by laymen in personal cases. The answer.

Conantur autem quidam probare quod dominus rex juste potest dijudicare clericos, cum impetuntur a laicis in actionibus personalibus; quia si quis clericus spoliaverit laicum feodo suo laicali, potest idem clericus conveniri ab eodem laico in foro regio super hujusmodi spoliatione. Cum igitur spoliatio factum et delictum sit spoliantis, potest clericus super facto et delicto suo in foro seculari conveniri. Sed ad hoc respondetur, quod cum alius spoliat alium feodo suo laicali, et consequenter feodum illum occupat et detinet possessor ejus de facto, licet non de jure, incidit in hoc casu duplex materia actionis et controversiæ: una enim materia controversiæ est feodus per occupationem occupatus, et consequenter detentus, deductus in controversiam justæ vel injustæ

detentionis; altera vero materia controversiæ est actus violentus spoliantis. Prioris igitur controversiæ decisio judicis est laicalis, cum principalis materia controversiæ sit res pure laicalis; alterius vero controversiæ decisio judicis est ecclesiastici, cum principalis materia controversiæ sit actus personæ ecclesiasticæ, propter quem ista persona ecclesiastica principaliter cadit sub judicium. Unde hujusmodi spoliator et detentor, si sit vir ecclesiasticus, posset conveniri spoliato in foro seculari super feodo, et in foro ecclesiastico super violentæ spoliationis delicto. Et manifestum est quod in dicto casu non convenit spoliatus spoliatorem in foro laicali principaliter super injuria violentæ spoliationis; ponatur enim quod clericus aliquis per vim intruderet se in domum et terram alicujus laici et eundem laicum per vim expelleret, quo facto statim recederet; feodum in quem se per vim intruserat, per nullam temporis moram detinens aut de facto possidens; non posset in hoc casu qui tulit injuriam conveniri ab injuriam passo in foro seculari. Unde manifestum est quod cum clericus detentor feodi laicalis, quem ingressus est per violentam spoliationem, convenitur a spoliato in foro laicali, non convenitur principaliter super delicto spoliationis, sed solum deducitur in controversiam et in judicium feodus laicalis, per vim spoliationis occupatus et detentus.

Further objections, and the answers to them.

Dicit iterum aliquis, Si clerici non respondebunt in foro seculari cum accusantur in actione personali, cassæ sunt omnes prohibitiones regiæ. Ad quod dicendum, quod jure cassæ sunt, quoad coartandum clericos, ne libere procedant in causis ecclesiasticis et quoad constituendum eos debitores respondendi de processu suo in foro laicali. Sed cum dominus rex ad suggestionem alicujus scribit ecclesiastico judici, ne teneat placitum in curia Christianitatis super feodo vel possessione laicali, decens est et honestum quod talis judex ob reverentiam et honorem regium rescribat domino regi dilucide sub compendio seriem processus

sui, ut sic denudetur suggerentis falsitas. Si autem judex ecclesiasticus injurietur alteri parti litigantium, confugiendum est ad remedium appellationis, non ad imperium regiæ prohibitionis; ut cum judex appellationis cognoverit priorem judicem voluisse cognoscere de eo quod non pertinuit ad forum suum, absolvens partes ab ejus judicio dimittat eas foro competenti negotio. Dicunt etiam aliqui quod cum nullus possit sua possessione vel quasi possessione sine judicio spoliari, et dominus rex et prædecessores sui sint in hac possessione vel quasi possessione, videlicet quod ad mandatum ipsius compellant episcopi clericos ut veniant responsuri in foro suo, quare tenuerint vel prosecuti fuerint placitum in curia Christianitatis contra suam prohibitionem, et quod clerici in foro suo super hæc et hujusmodi respondeant, et quod episcopi etiam ibidem respondeant quare clericos suos non compulerint ad hoc. Si forte eosdem clericos contingat non comparere in foro regio, non potest dominus rex sine judicio hac sua possessione vel quasi possessione spoliari. Sed his respondetur quod peccatum nihil est, et propter hoc actus peccati, in quantum est actus peccati, veraciter nihil est. Si
1 Cor. x. 19. enim et *idolum et idolis immolatum*, testimonio Apostoli, *nihil est*, licet materia idoli et figura ejus, similiter et substantia carnis quæ idolis immolatur, sit aliquid; multo fortius licet omnis actio sit aliquid, actus tamen peccati unde peccatum est, nihil est. Igitur ipsius actus peccati nulla est possessio vel quasi possessio; nihil enim vel possideri vel quasi possideri non potest. Si igitur et subjectio clericorum qua subiciunt se judicio laicali contra libertatem ecclesiæ et canonum statuta, et compulsio eorum per suos episcopos ad hoc faciendum, et compulsio qua rex compellit episcopos ad compellendum prædicto modo suos clericos, est actus peccati; cum non obeditur in hac parte domino regi, ipse rex per hoc nulla omnino re spoliatur, sed multo verius aliqua re vestitur, quia privatio priva-

tionis et corruptionis privatio non est, sed magis habitus adquisitio, vel saltem ad habitum non modica accessio. Hoc etiam per exemplum liquido patere potest. Ponamus enim quod aliquis et omnes sui prædecessores ad alterius et omnium suorum prædecessorum mandatum semper consueverit mentiri, vel falsum[1] téstimonium dicere, vel fornicari, vel furari, vel hujusmodi, et postea pœnitentia ductus non obedit hujusmodi mandato, sed penitus resistit. Numquid sic spoliavit mandatorem aliquo jure aut aliqua possessione vel quasi possessione, vel omnino aliqua re; aut numquid expectandum est judicium ut non desistat a mentiendo vel hujusmodi, sed persistat in eo ad mandatum mandatoris hujusmodi, quousque interpellaverit judicem, et omnibus in forma judicii peractis sententiatum sit diffinitive, cum etiam nec semel mentiendum sit levissimo mendacio, nec peccandum aliquo peccato pro vita hominis salvanda? Absit ut illicitis quantumcunque consuetis resistere, sit compellentem ad illicita aliquo suo jure vel omnino aliqua re spoliare; aut ut non resistatur illicitis cum evidenter sint illicita, nisi prius prolata judicialiter diffinitiva sententia quod eis sit resistendum.

Offences against the liberty of the church by the king's preventing the ecclesiastical judges from deciding causes which are known to be purely ecclesiastical, and hindering

Item in ecclesiæ libertatem non mediocriter delinquitur, cum judices ecclesiastici, ne causas, quas notum est pure esse ecclesiasticas, in foro descindant ecclesiastico, a domino rege prohibentur, ut cum per literas regias inhibetur ne judex ecclesiasticus judicialiter cognoscat, utrum ecclesia vel capella talis loci sit capella matricis ecclesiæ alicujus alterius loci, et utrum decimæ talis terræ ad hanc vel ad illam pertineant ecclesiam, eo quod si actor in hujusmodi causa evincat possessionem ecclesiæ, rei continget imminui, ac per consequens, ut aiunt, jus patronatus ejusdem ecclesiæ

[1] *falsum*] om. C.C.C.

the decisions made by them. deteriorari, ecclesia ad quam patronus præsentabit effecta nem causam super possessione vel quasi possessione minus pingui. Accideret namque ratione consimili, omecclesiastica inter duos rectores duarum ecclesiarum divisorum patronatuum emergentem, ne ventilaretur coram judicibus ecclesiasticis, a domino rege debere prohiberi, eo quod actore in hujusmodi causa evincente continget semper ecclesiam rei imminui, ac per hoc, secundum quod dicunt, patronatum ejusdem ecclesiæ deteriorari. Consequetur autem et sic quod hujusmodi causæ ecclesiasticæ nunquam descindentur. A seculari enim judice descindi non poterunt, neque ab ecclesiastico judice, obstante regia prohibitione. Forte autem nec consequitur quod in hujusmodi causis evincente actore, imminuetur patronatus alterius ecclesiæ. Non enim minus est patronus qui minoris ecclesiæ est patronus, sicut nec minus est pater, qui minoris hominis est pater. Patronatus enim seu jus patronatus non intenditur vel remittitur ex majoritate vel minoritate rei cujus est patronatus. Præterea sicut tubera et ea quæ contra naturam excrescunt in carne hominis, non augent ipsum hominem, sed deturbant; et medicinalis abscisio innaturalium hujusmodi excrementorum ipsum hominem non imminuit, sed potius pulcrificat et sanat, ita injustæ possessiones et quasi possessiones ecclesias ipsas non augent, sed deturbant; et earum abscisio per justum judicium non est ecclesiarum imminutio, sed potius pulcrificatio quædam et sanatio; unde et patronatus seu jus patronatus per hujusmodi abscisionem nullo modo potest imminui vel deteriorari, sed multo amplius emendari. Legitur de bonis regibus qui cultum Dei amplificaverunt, et ministrorum Divini cultus potestates et libertates dilataverunt. De impiis vero e contra dictum est; *Altaria tua destruxerunt et prophetas tuos occiderunt gladio.* Et nonne pejus est potestates et libertates ecclesiæ et executionem ecclesiasticæ justitiæ quam aras lapideas destruere? Nonne

1 Reg. xix. 10.

satis occidunt prophetas gladio, qui potestate seculari prælatos ecclesiæ impediunt ne secundum prophetalem doctrinam justitia et judicio regant ecclesiam? Hæc et hujusmodi dolenda et flebilia fiunt. Sed aut nullus aut vix aliquis est Helias, qui *zelo zelatus est pro Domino Deo exercituum.* Lupus feritatis secularis potentiæ sævit; sed rarus est canis qui oblatret, rarior pastor qui occurrat et obstet, rarissimus David qui *pascens gregem patris sui, et veniente leone et urso tollenteque arietem de medio gregis, sequatur eos et percutiat, eruatque de ore eorum, quique consurgentibus illis adversus se apprehendat mentum eorum; sed suffocet et interficiat eos,* laico etiam impetente clericum, vel clerico impetente clericum, super catallis ad instantiam clerici qui impetitur. Prohibet[1] dominus rex, ne hujusmodi causam descindant judices ecclesiastici; ex quo, ut supra, accidit hujusmodi causam nunquam posse descindi. Non enim descindetur a judice seculari, canonicis statutis hoc inhibentibus, neque ab ecclesiastico judice, obstante regia prohibitione. Sed huic morbo facile possent medelam adhibere prælati, canonicam ultionem exercentes in clericos hujusmodi prohibitionem impetrantes.

Ibid.

1 Sam. xvii. 34, 35.

Offences against the liberty of the church by the prelates being compelled to give account to the secular power respecting the right of patronage to benefices, and their refusals to institute persons presented.

Accedit adhuc et aliud in libertatis ecclesiasticæ detrimentum, quod ipsos ecclesiæ prælatos fortius coartat, ut ipsi etiam per se suaque propria actione violent libertatem ecclesiæ. Quod licet prætactum sit in generali, non supervacuum tamen forte est tangere etiam in speciali.

Cum enim lis mota est in curia domini regis inter aliquos super jure patronatus alicujus ecclesiæ, et elapso semenstri tempore conferat episcopus loci ecclesiam talem auctoritate Concilii, et eo qui evicit jus patronatus in curia regis præsentante aliquem ad hujusmodi ecclesiam, post hujusmodi collationem præsentatus recusetur ab episcopo, præsentator impetrat a curia regis ut episcopus

[1] *prohibet*] om. C.C.C.$_2$.

citetur per vicecomitem, et tandem compellatur per baroniam suam quod veniat responsurus coram justitiariis domini regis, quare non admisit idoneam personam ad præsentationem hujusmodi præsentatoris. In hoc igitur casu cogitur episcopus reddere rationem judici seculari de facto suo, quod proprie et per se pertinet ad officium episcopale, et per consequens subicere se ipsum, inquam,[1] episcopum et dignitatem episcopalem secularium judicum judicio. Admittere enim personam aliquam ad ecclesiasticum beneficium et regimen animarum, vel recusare personam aliquam ad illud, solius episcopi, unde episcopus est, officium et opus est. Hoc autem quam absurdum sit facere, manifeste testantur canonicæ sanctiones; ait enim Bonefacius[a] ad episcopos Galliæ: "Nullus episcopus neque pro civili neque pro criminali "causa apud quemvis judicem sive civilem sive militarem producatur vel exhibeatur. Magistratus enim qui "hoc jubere ausus fuerit amissione rerum[2] et cinguli "damnatione plectetur." Sacerdotes enim a regibus sunt honorandi, non judicandi. Cum autem episcopi pro libertate ecclesiæ teneantur usque ad sanguinis effusionem se opponere; quomodo non peccabunt, libertatem ecclesiæ ipsimet suis actibus propriis violantes, si in hoc casu judicio seculari se subiciunt? Sed dicunt curiales, Frustra judicaret dominus rex de jure patronatus, nisi posset facere judicii sui executionem. Ad quod respondendum est, quod licet contra justitiam habeantur laici ecclesiarum patroni, et judices seculares contra justitiam determinent causas de jure patronatus; posito tamen quod hæc juste fierent, ecclesia permittente sive dissimulante judicium seculare, non plus potest in hac parte nisi uni parti litigantium adjudicare jus patronatus et jus præsentandi, et tueri partem, pro qua tulit judicialiter sententiam in eo quod sententialiter sibi est adjudicatum, hoc est in jure patro

[a] Boniface I. A.D. 418. Decretum Gratiani II. Caus. xi. q. 1. f. 189*b*. Mansi. iv. p. 398.

Objection and its answer.

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[1] *ipsum, inquam*] episcopum, in quantum, C C.C., Ox

[2] *rerum*] om. C.C.C$_2$.

natus et jure præsentandi. Et forte insuper in usu hujusmodi juris hucusque, videlicet, ut postquam episcopus suscepit mandatum regium, quod talis evicit jus patronatus, is qui præsentatus est ab eo qui evicit non recusetur ab episcopo, quasi præsentatus a non vero patrono. Episcopus autem recusando aliquem præsentatum ab eo cui jus patronatus adjudicatum[1] est, ob aliam causam[2], non aufert aliquid præsentanti de jure patronatus vel jure præsentandi, nec in aliquo obviat rei judicatæ in foro seculari. Recusant enim episcopi illiteratos et illegitimos et male morigeratos cum præsentantur a veris patronis, nullum per hoc facientes præjudicium ipsis patronis; similiter sine præjudicio patronorum recusant præsentatos a veris patronis, cum ecclesiæ ad quas præsentant non vacant. A simili igitur cum auctoritate Concilii collata sit ecclesia, et ita non vacet, nullum generatur præjudicium patrono præsentandi, si recusetur præsentatus ab ipso ad non vacantem ecclesiam. Cum autem in curia regis evicerit quis jus patronatus, et dominus rex scribit episcopo loci sub hac forma: "Mandamus vobis quod admittatis "idoneam personam ad talem ecclesiam, ad præsenta "tionem talem non obstante reclamatione adversarii sui;" per hujusmodi mandatum regium ad nihil aliud tenetur episcopus, nisi ut de cætero habeat talem pro vero patrono talis ecclesiæ, non obstante adversarii sui reclamatione; nec recuset præsentatum a tali quasi præsentatum a non vero patrono. Non enim potest rex injungere episcopo ut faciat vel non faciat officium episcopale et spiritale. Ideoque non potest injungere ut instituat vel non instituat in ecclesias, et curas animarum committat vel non committat, sicut præcipere non potest ut episcopus celebret vel non celebret ordines, vel conficiat chrisma vel confirmet parvulos; nec aliquo modo

[1] *adjudicatum*] adjudicatur, MSS. | [2] *causam*] om. C.C.C.$_2$.

regi vel alii seculari potestati tanquam suo judici reddenda est ratio ab episcopo, cur aliquid horum seu consimilium faciat vel omittat. Poterit tamen episcopus forte sine læsione libertatis ecclesiasticæ, ob honorem regium, domino regi vel suis justiciariis intimare, quod non recusavit præsentatum ab eo qui evicit jus patronatus quia præsentatum vel quasi præsentatum a non vero patrono; forma igitur literarum domini regis, in vi verborum, licet forte non intentione scribentium, plus continet et mandando injungit quam congruat regiæ potestati. Essent autem verba sententiæ et æquitati, si tamen æquitas in hac parte dicenda sit, commensurata, si hujusmodi esset scribendi forma: "Mandamus vobis quatinus de cætero habeatis "talem pro vero patrono talis ecclesiæ, non obstante "talis adversarii sui reclamatione; nec recusetis ali- "quem præsentatum ab ipso, tanquam præsentatum a "non vero patrono." Si autem, quod absit, intendat rex per formam mandati sui opus officii episcopalis episcopis injungere, constat quod usurpat sibi officium episcopi cardinale. Hujusmodi enim injunctio solum convenit metropolitanis et domino Papæ. Quapropter cavendum est ei, si hujusmodi usurpet (quod absit), ne cum Ozia rege Juda usurpante sibi sacerdotis officium, percussus in fronte lepra et ejectus de domo Domini usque ad diem mortis suæ sustineat lepræ contagium. Ista tamen plaga magis digni sunt domini regis conciliarii, si ad eorum persuasionem talia contingat ab ipso usurpari.

The king in danger of resembling Uzziah.

2 Chron. xxvi. 18-21.

The Oxford Council has excommunicated all who presume to deprive the church of her rights.

Concil. Oxon. 1222. Wilkins. i. p. 585.

Ad aggravationem autem peccati in his et hujusmodi violationibus et perturbationibus jurium et libertatum ecclesiæ accedit quod in Oxoniensi Concilio excommuni- "cati sunt omnes qui ecclesias malitiose suo jure privare "præsumunt aut per malitiam earundem libertates in- "fringere vel perturbare contendunt," quodque dominus rex per chartam suam concessit, quod ecclesia Anglicana sit libera, et quod a bonæ memoriæ archiepiscopo Stephano et suffraganeis suis de consensu domini regis

et baronum excommunicati sunt omnes qui contra tenorem chartæ prædictæ venire præsumpserint; a qua excommunicatione dominus rex et barones in quodam colloquio domini regis in capella beatæ Katerinæ apud Westmonasterium, eo quod timuerunt se in eandem excommunicationem incidisse, petierunt instanter se absolvi a venerabili patre Edmundo archiepiscopo, qui eos absolvit sub hac forma, videlicet, quod si de cætero contra prædictam chartam venirent, ipso facto in præfatam revolverentur excommunicationem.

Quæ itaque ob imperitiam persuadentis majori quam oporteret prolixitate, et minori quam oporteret efficacia, quoquo modo persuasa sunt, sub recapitulationis brevitate comprehensa sunt hæc:—Primum, videlicet, quod abbates maxime, et consequenter aliæ ecclesiasticæ personæ, sine gravi culpa exercere non possunt officium secularis justitiariæ, seu vicecomitatus seu ballivas tenere, de quibus tenentur personis secularibus ratiocinia reddere; quodque dominus rex ad hæc compellendo, et prælati talibus non obsistendo, non levi commaculantur peccato. Secundum, quod ecclesiasticæ personæ cum impetuntur in personali actione, graviter peccant seculari judicio se submittentes[1], et dominus rex judicesque seculares clerum ad hoc compellentes, et episcopi tali oppressioni libertatis ecclesiasticæ non resistentes. Tertium, quod judices seculares graviter peccant cum in foro suo determinare præsumunt quæ causa sit ecclesiastica et quæ secularis, quando ad utrum forum pertineat vertitur in dubium. Quartum, quod iidem judices graviter peccant, cum causas quas notum est pure esse ecclesiasticas in foro seculari descindunt. Quintum, quod ecclesiæ libertas graviter læditur cum decisio causarum ecclesiasticarum per prohibitiones regias judicibus ecclesiasticis directas

Summary of the whole.

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[1] *submittentes*] subintentiones, C.C.C.

impeditur. Sextum, quod rex et judices seculares graviter peccant, cum episcopos coram se respondere compellunt, quare quosdam præsentatos ad ecclesias non admittunt, et a simili quare episcopi alia ad officium episcopale solum spectantia faciunt vel non faciunt.

Briefs in proof of these violations of the church's liberty.

Quædam autem de brevibus domini regis quæ ad manum occurrerunt, ad evidentiorem ostensionem prætactarum violationum et perturbationum juris et libertatis ecclesiasticæ, subscripta sunt.

Henricus, Dei gratia, &c., episcopo tali salutem. Sciatis quod de consilio nostro assignavimus dilectum[1] nobis talem, de cujus fidelitate plurimum confidimus, ad tricesimam nostram in comitatu tali assidendam et colligendam una cum aliis fidelibus nostris assessoribus et collectoribus ejusdem tricesimæ in eodem comitatu, cui, prout nobis significatum fuit, firmiter fecistis inhiberi, ne sub periculo beneficiorum suorum prædicto negotio aliquatenus intenderet. Quia vero de paternitate vestra specialiter confidimus, et quod tam commodum quam honorem nostrum ex animo diligitis, et etiam majora, si a vobis peteremus, nobis libentur concederetis, vos attentius duximus exorandos, quatinus talem, qui in memorato negotio nobis plurimum utilis est et necessarius, ad hoc intendere permittatis, et quod super hoc duxeritis faciendum, prædictis collectoribus et assessoribus literatorie significare velitis; taliter has preces nostras exaudientes ut paternitati vestræ speciales referre debeamus gratiarum actiones. Teste me ipso, &c.

Henricus, Dei gratia, &c., episcopo tali salutem. Sciatis quod talis debet nobis m. libras de fine quem nobis fecit; et quia non habet laicum feodum per quod distringi possit pro prædicto debito, vobis mandamus quod ipsum destringatis per beneficia sua ecclesiastica, quæ habet in episcopatu vestro ad reddendum nobis cc. libras de eodem fine. Ita quod eas habeatis ad scaccarium nostrum per aliquem de vestris a die sancti Hilarii infra xv. dies; alioquin capiemus vos ad[2] baroniam vestram. Teste me ipso, &c.

Henricus, Dei gratia, &c., episcopo tali salutem. Sciatis quod talis, qui mortuus est, debuit nobis xl. libras de hidagio et sectis comitatus, quas recepit tempore quo fuit vicecomes

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[1] *dilectum*] dictum, C.C.C. | [2] *ad*] per, $C.C.C_2$.

noster in comitatibus nostris talibus, et xxxii. marcas et vi. d. de tribus debitis. Et ideo vobis mandamus, quod de catallis quæ fuerunt talis, quæ sunt in manu vestra, ut dicitur, habeatis ad scaccarium nostrum apud Westmonasterium in crastino sancti Michaelis per aliquem de vestris omnia prædicta debita. Alioquin capiemus vos ad baroniam vestram. Teste me ipso, &c.

Henricus, Dei gratia, &c., episcopo tali. Mandamus vobis, sicut alias vobis mandavimus, quod venire faciatis coram justitiariis nostris apud Westmonasterium a die sancti Michaelis in tres septimanas talem ad respondendum tali de placito, quare secutus est placitum in curia Christianitatis de laico feodo[1] tali contra prohibitionem nostram. Et vos tunc sitis ibi audituri judicium nostrum de hoc, quod prædictum talem venire non fecistis coram præfatis justitiariis nostris apud Westmonasterium a die sancti Johannis Baptistæ in xv. dies. Nec breve nostrum, quod inde vobis venit, præfatis justitiariis nostris apud Westmonasterium ad prædictum terminum misistis, sicut vobis mandatum fuit, et habeatis ibi hoc breve. Teste me ipso, &c.

Henricus, Dei gratia, &c., vicecomiti tali salutem. Summone per bonum summonitorem talem episcopum, quod sit coram justitiariis nostris apud Westmonasterium a die sanctæ Trinitatis in tres septimanas, et ibi habeat decanum, præcentorem, et cancellarium talis ecclesiæ ad respondendum talibus de placito quare tenuerunt placitum in curia Christianitatis de arestatione talis clerici, inventi in laico habitu cum tali utlagato contra prohibitionem nostram. Summone etiam per bonum summonitorem prædictum episcopum, quod sit coram præfatis justitiariis nostris apud Westmonasterium ad prædictum terminum, et ibi habeat talem ad respondendum prædictis de placito, quare secutus est idem placitum contra prohibitionem nostram, et habeatis summonitorem et hoc breve. Teste me ipso, etc.

Henricus, Dei gratia, &c., episcopo tali salutem. Sciatis quod talis persona debet nobis xxv. marcas et dimidiam de fine quem fecit coram justitiariis nostris ultimo itinerantibus in comitatu tali pro transgressione. Et quia non habet laicum feodum[2] per quod distringi possit, vobis mandamus quod ipsum distringatis per beneficia sua ecclesiastica ad reddendum nobis prædictum debitum. Ita quod illud habeatis ad scaccarium nostrum per aliquem de vestris in crastino sancti Hilarii. Teste me ipso, &c.

[1] *feodo*] om. C.C.C., Ox. | [2] *feodum*] om. C.C.C., Ox.

Henricus, Dei gratia, &c., tali episcopo salutem. Ostensum est nobis ex parte talis in prisona nostra tali loco detenti, quod cum talis detraheret talem in placitum in curia Christianitatis de laico feodo suo coram archidiacono tali, super quo prohibitionem regiam ipsi archidiacono ne placitum illud teneret, et prædicto tali ne idem placitum sequeretur porrexit, et ipsis prohibitioni nostræ non deferentibus, ut deceret, literas nostras impetraret de præfatis archidiacono et tali attachiandis, quod essent certo die coram justitiariis nostris ostensuri, quare prohibitioni regiæ in hoc casu non detulerunt; præfatus talis dictum placitum nihilominus secutus est in curia Christianitatis, donec ipsum talem sententia excommunicationis fecit innodari. Quem tandem per literas vestras nobis transmissas, tanquam incorrigibilem et claves ecclesiæ contemnentem capi et in prisonam nostram detrudi procuravit. Et quia in impetratione literarum nostrarum de captione [1] circumventa fuit curia nostra, cum non constaret eidem curiæ quod sententia prædicta in ipsum lata occasione laici feodi sui de quo trahebatur in placitum in curia Christianitatis, et unde [2] fuit querelam suam in curia nostra versus præfatum talem prosequens, vobis mandamus rogantes quatinus prædictum talem cum tali circumventione et non sine præjudicio nostro captum et in prisonam detrusum, a prisona prædicta deliberari faciatis. Scituri, quod nisi feceritis, dedimus in mandatis vicecomiti nostro talis loci, quod si ei constiterit de præmissis, ipse præfatum talem a prisona nostra deliberet, si per vos hæc non duxeritis faciendum. Teste me ipso, &c.

Henricus [3], Dei gratia, &c, episcopo tali salutem. Mandamus vobis, quod venire faciatis coram justitiariis nostris apud sanctam Brigidam Londoniis a die sanctæ Trinitatis in xv. dies talem personam talis loci ad respondendum magistro tali de placito, quare secutus est placitum in curia Christianitatis de debitis [4] quæ non sunt de testamento vel matrimonio, contra prohibitionem nostram. Unde vicecomes noster talis loci mandavit præfatis justitiariis nostris apud sanctam Brigidam Londoniis quod prædictus talis nullum habet laicum feodum in balliva sua per quod possit distringi; et habeatis ibi hoc breve. Teste me ipso, &c.

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[1] *de captione*] om. C.C.C$_2$.
[2] *unde*] om. C.C.C$_2$.
[3] *Henricus*] R., C.C.C.
[4] *de debitis*] debebitis, C.C.C.

LXXIII.

Robertus, Dei gratia Lincolniensis Episcopus, dilectis in Christo filiis Willelmo [a] *Decano et Capitulo Lincolniensi salutem, gratiam, et benedictionem.* 1239.

[a] William de Tournay.

Exposita prudentibus Deumque timentibus intentione vestra, qua intenditis et obtinere nitimini ne episcopus vester causas aliquas descindat, vel excessus quosquam corrigat aliquorum canonicorum Lincolniensis ecclesiæ, vel clericorum frequentantium ejusdem ecclesiæ chorum, vel aliquorum vicariorum seu sacerdotum seu clericorum vel etiam laicorum de dignitatibus vel de præbendis vel de communa, neque aliquorum qui sunt de canonicorum familia, nisi forte causæ decisio vel excessus correctio aliquorum prænominatorum devolvatur ad episcopum per appellationem, vel decani Lincolniensis negligentiam; requisito quoque eorundem prudentium Deumque timentium super intentione vestra consilio, visum est eisdem eandem intentionem vestram multo altera obvolvere in consequentia quam prima facie videatur prætendere; consequitur enim ad eam quod [1] quocunque prædictorum quocunque modo committente in auctoritatem, dignitatem, vel officium episcopale, sive in aliquo prædictorum locorum sive extra loca prædicta, non possit episcopus vester hujusmodi commissum per se punire, sed oporteat aut hujusmodi commissum impunitum et incorrectum dimitti, aut episcopum vestrum hujusmodi injuriam coram suo inferiore prosequi, et a suo inferiore judicari. Exempli gratia, episcopo vestro per ecclesiam aliquam dignitatis, præbendæ, vel communæ vestræ transitum faciente, licet contemnatur vel negligatur a ministris ecclesiæ talis in suo transitu, prout moris est, pulsari; secundum intentionis

The bishop's quarrel with the dean and chapter of Lincoln on the question as to the right of the bishop to decide causes or correct offences of canons and persons connected with the cathedral.

Examples of what will follow, if the opinion of the chapter be acted upon.

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[1] *quod*] om. Ox.

vestræ consequentiam, non poterit episcopus vester hujusmodi commissum sibi suisque tunc notorium incontinenti punire, sed oportebit eum hoc impunitum relinquere, vel ad suum inferiorem referre, coram quo inferiori is qui taliter commisit, cum idem commissum non sit apud eundem inferiorem notorium, habebit si voluerit, legitimas defensiones, nec poterit puniri, nisi, accusante episcopo legitime, contingat eundem convinci. Idem quoque accidet si quisquam prænominatorum repellat episcopum vestrum ab ordinum vel divinorum celebratione, seu quorumque sacramentorum administratione, non solum in prædictis locis, sed etiam in aliis ejusdem dioecesis. Similiter autem accidet si quisquam eorundem in prædictis locis seu in aliis ejusdem dioecesis contemptu, omissione, vel negligentia quacunque, seu convitiis et contumeliis, seu quantumcunque gravissimis injuriis in auctoritatem, dignitatem, vel officium episcopale non vereatur committere. Legimus tamen aliter de Moyse; qui postquam constituerat sub se *tribunos et centuriones et quinquagenarios et decanos ad judicandum populum omni tempore,* nihilominus ipsemet delictum filiorum Israel commissum in officium pastorale in vituli aurei conflatione et ejusdem adoratione delinquentium morte [1] punivit, *vitulumque combustum et contritum usque ad pulverem in aquam sparsit, et filios Israel ex eo potavit,* ut per hoc eos qui deliquerant ab aliis discerneret.[2] Ipse quoque Moyses, in consurgentibus contra eum Chore, Dathan, et Abyron, et committentibus in officium pastorale ipsi Moysi traditum, *misit ut vocaret Dathan et Abyron;* ipsemet discrevit quid facturi essent in officium sibi creditum delinquentes, ut appareret quos Dominus in hoc officium elegisset. Licet igitur ut prædixi, haberet Moyses sub se jam constitutos inferiores judices, nihilominus tamen delinquentes in ministerium creditum sibi ipse-

Exod. xviii. 25.

Contrary arguments from Scripture.

Exod. xxxii. 20.

Num. xvi. 12.

[1] Ox. repeats *morte*.

[2] *discerneret*] discernerent, C.C.C.

met punivit, ipse dijudicavit. Consequi etiam videtur ex eadem intentione vestra quod quicunque de cujuscunque sit jurisdictione, quocunque præfatorum modorum delinquens in auctoritatem, dignitatem, vel officium episcopale in quoquam præfatorum locorum, ita fiat de jurisdictione vestra ratione locorum in quibus delictum committitur, quod episcopus vester non possit hujusmodi delictum quantumcunque notorium incontinenti punire et corrigere, sed oporteat episcopum vestrum, hoc impunitum, ut supra dictum est, dimittere, vel ad suum inferiorem ab eo judicialiter discutiendum referre. Alia quoque delicta a quibuscunque prænominatorum ubicunque commissa, vel a quibuscunque aliis in prænominatis locis commissa, quantumcunque fuerint episcopo notoria, quantumcunque publice coram eodem confessa, secundum consequentiam intentionis vestræ, non poterit episcopus vester incontinenti punire et corrigere, sed oportebit quod Jacob et David videant luce clarius oves suas, quarum damnum tenentur restituere, a lupis et leonibus et ursis detineri, nec audebunt eas ab eorum morsibus incontinenti eripere; sed necesse habebunt cum propria confusione[1] in oculis propriis oves proprias permittere a bestiis suffocari, vel quasi pro congruo remedio pastoribus sub se constitutis, tunc forte agentibus in partibus remotis, quod oves a bestiis lacerantur nunciare.

Credendumne est hoc fecisse Jacob? qui propriam, sed coactus, circa salvandas oves rememorans diligentiam, ait ad Laban: *Oves tuæ et capræ steriles non fuerunt; arietes gregis tui non comedi, nec captum a bestia tradidi tibi, ego damnum omne reddebam; quicquid furto perierat, a me exigebas; die noctuque æstu urebar et gelu, fugiebat somnus ab oculis meis.* Nunquid non magis credendum est quod ipsemet Jacob, interpretatione *luctator*, visa ove in ore leonis vel

Gen. xxxi. 38, 39, 40.

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[1] *confusione*] confusio, C.C.C.

1 Sam. xvii. 35. ursi, sicut David refert seipsum fecisse, *sequebatur eos et percutiebat, eruebatque de ore eorum?*

Further consequences of the opinions of the chapter.

Videtur insuper sequi ex verbis intentionis vestræ propositis, absque distinctione duplicis intelligentiæ secundum duplicem modum prædicandi, per se videlicet aut per accidens; quod si contingat rectorem aliquem ecclesiæ parochialis non præbendatæ, neque pertinentis ad dignitatem aliquam vel communam Lincolniensis cclesiæ, seu vicarium ecclesiæ[1] hujusmodi delinquere in hujusmodi ecclesia vel ejusdem ecclesiæ parochia, eodem rectore vel vicario existente canonico vestro, vel frequentante chorum vestrum, vel habente vicariam seu officium aliquod clericale, vel domicilium in dignitate, præbenda vel communa, vel existente de alicujus vestrum familia, non possit episcopus vester alicujus talis excessum corrigere, vel causam emergentem etiam ratione rectoriæ[2] vel vicariæ hujusmodi descindere. Simili etiam consecutione frequenter accidet, delicta præpotentium impunita et incorrecta manere, dum tamen accidat eosdem præpotentes in rationes prænominatorum incidere, vel in prædictis locis delinquere; continget enim plerumque quod decani vel canonici potestas minus prævalebit super præpotentis malitiam, nec poterit impotentia rite nominari negligentia; unde hujusmodi excessus correctio nunquam ad episcopum, secundum vos, devolvetur; quia neque per negligentiam vestram, cum nulla in tali casu poterit reputari, neque per appellationem, cum talis delinquens non curet ad correctorem appellare. Sunt summi[3] quoque excessus quidam quibus congruam pœnam solus episcopus potest infligere; utpote excessus quibus debetur[4] pœna destitutionis et degradationis: nunquid non episcopi est hujusmodi excessus punire et puniendo

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[1] *seu . . ecclesiæ*] om. C.C.C.

[2] *rationi rectoriæ*] romane rectore, C.C.C.; romane rectorie, C.C.C₂.

[3] *summi*] om. C.C.C., C.C.C₂.

[4] *debetur*] detur, C.C.C.

corrigere? Potest etiam accidere quod aliquis de clericis[1] prænominatis, per defamationem super homicidio, vel furto, vel hujusmodi crimine, per regiam potestatem captus tradatur carcerali custodiæ, non liberandus nisi per episcopum, cui tradetur in foro ecclesiastico secundum leges ecclesiasticas ab eodem judicandus; nunquid non episcopus causam talis descindet, si sit qui talem accuset; aut non existente accusatore, propter famæ vehementiam eidem purgationem indicet, et judicialiter condemnabit eundem aut absolvet? Sed secundum consequentiam formæ verborum intentionis vestræ, non potest episcopus vester hoc facere, cum secundum quod vos asseritis, nullos excessus eorum quos dicitis vestræ jurisdictioni subesse, possit episcopus vester puniendo corrigere seu corrigendo punire, vel eorundem causas aliquas descindere, nisi contingat excessuum correctionem, vel causarum decisionem per appellationem aut negligentiam decani ad ipsum devolvi. In his autem casibus neque decani negligentia neque appellatio ab ipso ad episcopum incidere valebit. Præterea, si non connumerato episcopo, decanus cum canonicis, vel omnibus vel eis quos præsentes adesse contingit in cathedrali ecclesia, dicantur capitulum[2]; et sic nominato capitulo accidat capitulum committere in auctoritatem seu dignitatem seu officium episcopale, quantumcunque manifesto et notorio delicto; sive habeat capitulum causam adversus aliquem de jurisdictione episcopi, sive alius quicunque adversus capitulum, secundum quod sequitur vel sequi videtur ex verbis intentionis vestræ, non poterit episcopus hujusmodi commissum puniendo corrigere vel hujusmodi causas descindere. Sequitur quoque ex verbis intentionis vestræ, quod neque quosquam hominum neque aliqua locorum præscriptorum jurisdictioni vestræ sub-

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[1] *de clericis*] delictis, C.C.C. | [2] C.C.C. repeats *capitulum*.

jectorum possit episcopus vester visitare; cum tamen contra visitationem præscribi aut eidem obsisti aliqua nequeat consuetudine.

He thinks the chapter cannot have perceived these consequences; but if they have, and still desire to carry out their ideas, he wishes to know on what special law they rest.

Quia itaque hæc et hujusmodi ex vestra intentione sequuntur, aut videntur consequi, quæ, secundum quod videtur prudentibus Deumque timentibus, quos super his consului, non modicum vergunt in præjudicium auctoritatis, dignitatis, et episcopalis officii, nec consona videntur juri canonico seu naturali, accidatque frequenter quod etiam sapientes non nisi post intentam considerationem animadvertant quæ consequuntur[1] ex aliquo antecedenti, credendumque sit quod tantorum tam sapientium et bonorum intentionis non fuerit, juri seu dignitati vel officio episcopali in quoquam derogare, de eorundem prudentum, quos super his consului, consilio, peto vestro rescripto certificari, utrum præscripta eisque consimilia vere vel apparenter ex vestra petitione consequentia obtinere intendatis? An ad hæc et his[2] similia in vestra petitione vestræ intentionis considerationem non extenderitis? Et si hæc et hujusmodi obtinere intenditis, peto etiam vestro certificari rescripto, cui juri speciali ad hæc et hujusmodi obtinenda innitimini; cum repugnare videantur juri communi; ut[3] super his certior effectus, et de petitionum vestrarum jure plenius instructus, de prudentium consilio, certum et justum valeam responsum dare vestris petitionibus; sicut enim alias vobis scripsi et dixi semper, annuente Domini nostri Jesu Christi gratia, paratus ero justitiæ cedere et veritati. Valete.

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[1] *consequuntur*] consequitur, C.C.C., C.C.C.$_2$.

[2] *his*] aliis, C.C.C.

[3] *ut*] vel, C.C.C.

LXXIV.

Reverendo patri in Christo Othoni, Dei gratia Sancti Nicolai in Carcere Tulliano diacono cardinali, Apostolicæ sedis legato, Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et quam debitam tam devotam obedientiam et reverentiam. 1239?

Rogavit nos paternitatis vestræ sanctitas per magistrum P. clericum vestrum, ut præbendam quæ fuit magistri H. clerici nostri, magistro Attoni clerico vestro conferremus: nos autem dicto magistro P. respondimus quod in adventu vestro in partes nostras, præhabita interim deliberatione, vestræ paternitati super hoc responderemus. Angebant enim et adhuc angunt mentem nostram tria, quæ nos compellebant differre vestram rogationem effectui mancipare; cogitabamus namque quod spiritalia et spiritalibus annexa, nec humana gratia nec humano favore seu timore sunt largienda; ideoque licet sciverimus vestram sanctitatem per vestras preces non intendere nisi de idoneitate ipsius pro quo porrigebantur, testimonium ferre, ut ex tanto testimonio nos reputantes eum dignum, non timore aut favore humano sed solo caritatis intuitu faceremus, quod preces insinuabant hoc solo intuitu faciendum. Nos tamen mentis nostræ sentientes imbecillitatem, vehementer timuimus et timemus ne forte ad faciendum quod rogabamur, non urgeret nos solus caritatis ardor, sed, plusquam oporteret, immisceret se humanus timor aut favor. Præterea, sicut recolimus, prædictus magister Atto, quem ex vestro testimonio, et etiam ex his quæ de ipso experti sumus, virum magnificum, scientia eminentem et moribus præclarum reputamus, nobis aliquando dixit quod non erat eo tem-

Answer to the request of Cardinal Otho to confer a prebend at Lincoln on his clerk Atto.

pore cum eo dispensatum super pluralitatem beneficiorum obtinendorum habentium annexam curam animarum; quapropter verebamur et veremur prædictam præbendam habentem curam animarum annexam, ei consimilem curam habenti conferre; licet enim plurium sit opinio quod absque dispensatione possint simul haberi[1] licite præbenda cum cura animarum annexa, et parochialis ecclesia; nos tamen adhuc super hoc dubitamus, quia quondam sic opinantium assertione inducti, tenuimus aliquandiu simul hujusmodi præbendam et parochialem ecclesiam; remordente autem nos nostra conscientia consuluimus super hoc dominum Papam per quendam virum sapientem Deumque timentem, qui a domino Papa suscepit in responso, licet hoc non posset obtinere in litera, quod nequaquam potuimus sine dispensatione præbendam hujusmodi cum parochiali ecclesia simul licite tenere.

He instances his own case.

Atto is not the best suited to to Lincoln.

Movet nos insuper non modicum similitudo quædam quam vobis aliquando proposuimus; videlicet, duarum arborum fructiferarum, quarum una in connaturali sibi[2] regione calida fructum fert magis pretiosum[3]; plantata autem in regione frigida, parum aut nihil potest ibidem fructificare: alia vero minus fructu pretiosa, plantata in connaturali sibi regione frigida, fertilis est in ferendo fructum secundum genus suum; quam proculdubio sapiens hortulanus regione frigida, licet fructu viliorem, præeligeret in horto suo plantare. Hæc itaque nostram infirmitatem reddunt trepidam ad faciendum quod vestra hortatur rogatio, licet ad id faciendum multum nos impellant et ipsius quo rogatur sapientia et bonitas, et desiderium quod nos gerimus ad vestram voluntatem complendam, quam spiritalem credimus esse et sanctam. Et quia trepi-

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[1] *haberi*] hēre, C.C.C. Brown gives *hærere*, from a correction in the Cotton MS.

[2] *sibi*] ubi, C.C.C.

[3] *pretiosum*] prædicto sine, C.C.C.

dantibus casum de via arcta et ardua, periculosum est per eam incedere, cum tamen non trepidantibus securus sit per eam incessus; ut casum caveat nostra trepidans imbecillitas, vestræ sanctitatis fortitudini, quæ potestatis plenitudine, sapientiæ præclariori lumine, et bonitatis invincibili vigore innumera potest inoffense, quæ nos non nisi[1] ruendo contriti non possemus complere, committimus hac vice, ut de prædicta præbenda secundum quod Dominus eidem inspiraverit, quoad magistrum Attonem satagat ordinare. Valeat sancta paternitas vestra per tempora longiora.

The case left to Otho's judgment.

LXXV.

Nobili viro et amico in Christo carissimo Domino Symoni de Monteforti, Comiti Leycestrensi, Robertus, Dei gratia Lincolniensis episcopus, salutem et sinceram in Domino dilectionem. 1239.

Recepimus literas dilectionis vestræ insinuantes pondus vestræ tribulationis, cui, et merito, non modicum compatimur, licet speremus quod hæc tribulatio vobis proficiet in salutem spiritalem, dicente Apostolo, *Omnes qui volunt pie vivere in Christo Jesu, persecutionem patiuntur;* et iterum, *Omnis autem disciplina in præsenti quidem videtur non esse gaudii, sed mæroris, postea autem fructum pacatissimum exercitatis per eam reddet justitiæ.* Speramus etiam quod eadem tribulatio patienter portata et in gratiarum actione relata ei *qui flagellat omnem filium quem recipit,* cedet etiam vobis in gloriam temporalem: sanctos enim patres[2] qui fortiter sustinuerunt adversa, quamplures legimus restitutos etiam tempo-

Simon de Montfort is exhorted to bear his trouble patiently.

2 Tim. iii. 12.

Heb. xi. 11.

Heb. xii. 6.

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[1] *nisi*] a, C.C.C₂.

[2] *patres*] plures, C.C.C.

rali prosperitati cum ampliori gloria. Non vos igitur frangat sed firmet, non deiciat sed sublevet, non contristet sed lætificet temporalis tribulationis asperitas, dicentes cum Apostolo, *Quod in præsenti est momentaneum et leve tribulationis, supra modum in sublimitate æternum gloriæ pondus operatur in nobis;* et iterum, *Sed et gloriamur in tribulationibus.* Est enim justis tribulatio, quod vitibus, putatio; quod incultæ terræ, aratio; quod pannis sordidatis, ablutio; quod ægrotantibus, licet amara, sanativa potio; quod vasis nondum plene formatis per malleationem formatio; quod auro[1], per ignem probatio. Est igitur apud contuentes non tam[2] tribulationis præsentem molestiam quam futuri fructus ipsius gloriam, tribulationis disciplina, non mœroris sed gaudii materia. Vos igitur secundum interpretationem nominis vestri, in humilitate obedientiæ tribulationem sufferentes, per gradus humilitatis conscendatis, sicut congruit proprietati vestræ cognominationis, in cacumen montis fortis, hoc est, Christi, qui est mons in vertice montium, et virtus Dei Patris, ut in Ipso contemplantes omnia genera adversitatum *usque ad mortem crucis, propter quam et Deus exaltavit Illum et dedit Illi nomen quod est super omne nomen,* ad ejus imitationem spe fructus orituri de tribulatione, omnem tribulationem sustinere sitis parati inconcussa et indejecta mentis constanti fortitudine. Quod autem rogastis nos de habendo vestri memoriam, et de instando pro vobis apud dominum regem et de præstando solatium domesticis vestris, et præcipue duobus quos in literis vestris nominastis, prompto et devoto animo pro modulo nostro adimplere curabimus; parati in his et in aliis facere quæ in vestrum honorem vestramque utilitatem speramus posse proficere. Valete.

2 Cor. iv. 17.

Rom. v. 3.

Philipp. ii. 9.

Grosseteste will plead his cause with the king.

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[1] *auro*] aurum, Ox. | [2] *tam*] om. C.C.C.

LXXVI.

Reverendo patri in Christo, Othoni, Dei gratia Sancti Nicholai in Carcere Tulliano diacono cardinali, Apostolicæ sedis legato, Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et quam debitam tam devotam obedientiam et reverentiam. 1239?

Redeuntes ad nos a vestræ paternitatis sanctitate clerici nostri R. de Raveningham et J. de Crachal, benignitatis verba secretius cum eis habita, vestræ dilectionis erga nos plenitudinem, imo potius superefluentiam, exprimentia nobis retulerunt. Et quia dilectio est rerum optima, cui omne aliud desirabile non valet comparari, quid mirum si tanti patris tam superintensa dilectio nos raperet in gaudium, non solum ultra mediocritatis, sed et ultra amplitudinis terminos, undique diffusum? Ne tamen hæc exuberans diffusio in elationis inundationes intumesceret, speramus a Domino, qui etiam malum omne in aliquid utile convertit, vectes et ostia fuisse opposita, ubi prædicta diffusio tumentes fluctus suos confringeret et ultra moderantiæ metas non procederet. Præfati enim clerici nostri in fine relationis suæ verba pauca inseruerunt, quæ velut innuebant vestram paternitatem aliquatenus molestatam fuisse eo quod auctoritate abbatis [a] de Persora[1] a domino Papa delegata, mandavimus archidiacono [b] Lincolniensi quod scilicet[2] Sibry clericum a sententia,[3] qua, auctoritate vestra, innodatus fuerat, denunciaret absolutum. Hæc autem vestra molestatio nobis non potuit non esse molesta,

On the matter of a clerk who had been set free by Grosseteste from a sentence pronounced by Cardinal Otho.

[a] Roger de Radeby.
[b] Thomas Wallensis.

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[1] *Persora*] Perlora, C.C.C. C.C.C$_2$.
[2] *scilicet*] su?, C.C.C., Ox.
[3] *sententia*] alnia, C.C.C. : *scilicet . . . sententia* is left blank in C.C.C$_2$.

nec potuit nostra molestia de vestra molestatione exorta, gaudii nostri diffusionem non reprimere, sed repressit fortiter; concedat autem Dominus quod utiliter: vis tamen dictæ molestiæ nostræ, etsi fuerit non parum valida, non tamen invalescere potuit, ut[1] multum infra metas moderaminis nostrum comprimeret supradictum de vestra sincerissima dilectione conceptum gaudium. Non enim nos latet, sed multiplici patet experientia, virtutum vestrarum infrangibilis et irremissibilis constantia, ac per hoc quod caritas vestra etiam provocata non irritatur, nec excidit, nec diminutionem suscipit, sed omni tempore diligit. Cum igitur dilectionis vestræ noverimus inconcussam constantiam, non potuit, ut supra diximus, de vestra molestatione nostra molestia sic animum nostrum concutere, quin plene gauderet de vestræ sanctitatis supereffluenti dilectione, quam non possumus non credere erga nos inconcussam et etiam irremissam perseverare: sed nec e converso potuit idem gaudium dictam nostram molestiam de vestra molestatione tollere[2]; sed licet adversantia sibi sint gaudium et molestia, adinvicem magis sese compulerunt in augmentum procedere: quia tamen de radice optima una et utraque processerunt, ut speramus, non sinerent[3] sese alternatim magnificantes in vitiosæ[4] superfluitatis immoderamine[5] exuberare. Utraque igitur nobis sunt læta et jocunda valde; gaudium scilicet de vestra serenissima amicitia, et de vestra molestatione nostra molestia: sed de eo quod vestræ molestationi occasionem præstitimus, non mediocriter dolemus, scientes quod omni diligentia cavendum est filiis, ne patribus præstent offensionis cujusquam occasionem. Et quantum novimus vestram

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[1] *ut*] et, C.C.C.
[2] *tollere*] om. C.C.C.
[3] *sinerent*] sinerunt, MSS.
[4] *magnificantes in vitiosæ*] modificantes invictose, Ox. C.C.C.$_2$.
[5] *immoderamine*] in moderamen, Ox.

clementiam ad remittendum faciliorem, tanto anxius dolemus nos præstitisse eidem cujusquam offensæ occasionem; quia quanto benignior est et ad remissionem facilior, tanto est offendi indignior, et culpa offendentis gravior. Hoc tamen, ut firmiter speramus, unde et consolamur, apud clementiam vestram culpam nostram[1] reddet leviorem veniæque propinquiorem, quod dictum mandatum in simplicitate cordis (novit Ille qui scrutator est cordis) a nobis emanavit: intelleximus enim post collationem habitam vobiscum et cum clericis vestris super executione facienda mandati dicti abbatis, quod vos sensistis nos oportere dictum mandatum exequi. Nec moveat, oramus, vestræ mentis constantiam alicujus suggestio ad suspicandum quod in nobis fuerit erga vestram sanctitatem in prædicto facto aliqua sinistra commotio[2]: quia, testis noster est Ille qui Judex est, quod nec in conceptum nostræ voluntatis ascendit, ut vestræ sanctitatis serenissimum lumen aliqua obfuscatione obduceremus; sed, quod inviti compellimur dicere, ex quo sanctitatis vestræ notitiam habuimus, eam laudibus extollere non cessavimus, et si quis forte velut nubilum apud aliquos de ea re videbatur aliquando depromere, (ipsa enim virtutis lux impiis est tenebrosa, et lenitas aspera,) illud excusationis et defensionis non fictæ pallio ventilare, et ventilando velare pro modulo nostro curavimus. Ignoscat igitur nostræ simplicitati simpliciter et humiliter petimus, vestra benignitas, quod ei molestiæ occasionem inviti et ignoranter dedimus; quia non potest apud piam clementiam non esse ignoscibile quod ex cordis procedit simplicitate. Valeat paternitas vestra per tempora longiora.

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[1] *nostram*] om. C.C.C.

[2] *commotio*] convictio, Brown.

LXXVII.

1239. *Sanctissimo Patri et Domino Gregorio, Dei gratia summo Pontifici, Robertus, miseratione divina Lincolniensis Ecclesiæ minister humilis, beatorum pedum oscula devotissima.*

Prov. xii. 10. He cannot do his duty without visitation and correction. 1 S. Pet. ii. 25.

Cum ad pastoris pertineat officium oves suas cognoscere, *justusque* teneatur *jumentorum suorum animas nosse*, nec possit ista cognitio melius adquiri a *pastore et animarum episcopo* quam visitationis [et] inquisitionis officio; cumque inanis et vacua sit inquisitio nisi subsequatur correctio et reformatio; hæc sæpe mecum cogitans postquam, licet indignus, pastoris suscepi officium, ad visitationes et inquisitiones, correctiones quoque et reformationes canonicas faciendas ad animarum salutem, de quibus in districto examine novi me redditurum rationem, pro modulo insufficientiæ meæ per diœcesim meam solicitudinem apposui et laborem. Cum autem ad capitulum meum visitandum et clericorum de ecclesia mea et de ecclesiis præbendarum et de communa ecclesiæ meæ mores corrigendos et reformandos, dictasque ecclesias visitandas, manum solicitudinis pastoralis, non solum auctoritate ordinaria, sed eadem sanctitatis vestræ auctoritate speciali suffulta conarer extendere, decanus et capitulum ecclesiæ meæ viribus omnibus se mihi opposuerunt, et opponunt, et in vocem appellationis proruperunt; cum tamen nec ipsi, nec dicti clerici seu dictæ ecclesiæ aliquo sint privilegio a mea exempti jurisdictione; solummodo prætendentes pro[1] se sub nomine libertatis et consuetudinis approbatæ, quod hactenus non erant ipsi seu dictæ ecclesiæ per episcopos visitati, ut dicunt, nec prædictorum clericorum mores correcti seu reformati, quasdam quoque a quibusdam episcopis prædecessoribus meis jurium episcopalium et exactionum eis

He requests the Pope's help against the obstacles which the dean and chapter have thrown in his way.

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[1] *pro*] quod, Brown.

concessas remissiones. Quia igitur mihi gerenti pastorale officium non video salutis viam, nisi ad imitationem Davidis, *videns leonem et ursum venientes tollentesque arietes de medio gregis, sequar eos* et baculo pastorali *percutiam, eruamque de ore eorum* modis et viribus omnibus quibus canonice[1] valuero; præsertim cum pro salute ovium mihi commissarum, pro quibus Christus in ara crucis dedit pretium sui pretiosissimi sanguinis, tenear vitam hanc morti turpissimæ et acerbissimæ exponere. In obicibus autem et repagulis quæ dicti decanus et capitulum mihi in hac parte opponunt, non video nisi quandam falsæ libertatis phantasiam et umbram, in qua callidus hostis liberius tendens insidias, crudelius devoret quos fortius illaqueaverit. Ad vestræ sanctitatis, cui est summa omnium animarum solicitudo, pedes prostratus, omnibus mentis anxiæ et afflictæ viribus et suspiriis lacrymosis efflagito, quatinus animæ meæ mihique commissarum saluti pietatis visceribus compatiens, ad dictos obices dictaque repagula submovenda, subveniat imbecillitati meæ superfervidus et invictissimus zelus vester animarum, quo nullum est Deo acceptabilius sacrificium. Peto quoque a vestræ sanctitatis gratia, quæ semper mihi, licet immerito, fuit gratiosissima, quatinus dictis decano et capitulo ad judices in Angliam literas contra me non concedat, donec nuncius meus specialis, quem tempestive, favente Domino, ad vestræ sanctitatis pedes missurus sum pro dicto salutis animarum negotio, in præsentia sanctitatis vestræ plenius exponendo, vestro se conspectui repræsentet: quem, simul cum persona mea et negotiis meis, rogo suppliciter ut habeat vestra sanctitas recommendatum. Incolumitatem vestram conservet Altissimus per tempora longa mihi et Ecclesiæ suæ.

1 Sam. xvii. 34.

The Pope is requested to grant no letters against him to judges in England till his agent arrives in Rome.

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[1] *quibus canonice*] canonicis quomodo, C.C.C.

LXXVIII.

1239. *Venerabili in Christo patri et amico carissimo Willelmo*[a], *Dei gratia Parisiensi episcopo, Robertus, miseratione divinæ Lincolniensis Ecclesiæ minister humilis, salutem et sincerum in Domino caritatis augmentum.*

[a] Willelmus Arvernus.

A request that the bishop of Paris will extend his love to the bearer R., a clerk of Grosseteste.

Humor subtilis etiam partes minimas infundit: sic vestra dilectio cunctos nitens penetrare, meam etiam parvitatem inter cæteros invenit et quadam abundantia speciali suæ suavitatis infudit; cui quid retribuam ignoro; quia amore pari redamare nescio, nec est aliud unde possit fieri recompensatio. Ne tamen omnino nihil agere videar, gratias refero quales et quantas valeo; et quia pura dilectio suæ infusioni metas et terminos non ponit, sed semper dum invenit infusibile in id plenius irrorandum se dilatando extendit; cum R. clericus, lator præsentium, meæ parvitatis[1] parvula sit portiuncula, rogo suppliciter quod et ipsa a vestræ dilectionis irroratione non sit exclusa. Valeat paternitas vestra in Domino.

LXXIX.

1239. *Reverendo patri in Christo, Othoni, Dei gratia Sancti Nicholai in Carcere Tulliano diacono cardinali, Apostolicæ sedis legato, Robertus, miseratione divina Lincolniensis Ecclesiæ minister humilis, salutem et quam debitam tam devotam obedientiam et reverentiam.*

On the quarrel with the dean and

De rescripti vestri melliflua dulcedine et de vestra benignissima remissione, licet non condignas, quia ad eas non sufficimus, quantas tamen et quam devotas

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[1] *parvitatis*] paupertatis, Ox.

possumus vestræ sanctæ paternitati gratiarum actiones referimus. De vestræ autem caritatis affectione irremissibili et infrangibili, quinimo per intentionem continuam profundius semper radicata,[1] superius elata, latius diffusa, et firmius roborata, quam erga parvitatem nostram, vestram gerere sanctam paternitatem absque hæsitationis titubatione constanter credimus, gaudemus inexplicabiliter, et favente Domino gaudebimus semper. Desiderium quod geritis de pacis et benevolentiæ conservatione inter nos et capitulum nostrum retribuat vobis Ipse qui est pax vera, qui *fecit utraque unum.* Noverit autem vestræ sanctitatis discretio quod nos desiderio toto pacem, quam vos desideratis, annuente Domino desideramus; illam scilicet quæ est "tranquillitas ordinis," quæ paribus disparibusque singulis sibi competentia loca tribuit et disponit[2], quæ *diversas gratias, ministrationes, et operationes* in unam conjungit voluntatem unumque finem omnium Salvatorem nostrum Dominum Jesum Christum. Tranquillitas autem perturbatæ collationis, cum videlicet inferiora superiorum loca occupant et superiora subpeditant, quæ pax reputatur a desiderantibus se supra se elevare, nolentibus subesse sed præesse, desideranda non est, imo nec sustinenda; quia *hanc pacem non venit Dominus mittere in terram*[3], sed contra hanc pacem gladium evaginavit; hæc enim pax requies est in fæcibus vitiorum: hujusmodi pacis scimus vos esse oditorem, oppugnatorem, perturbatorem, imo usque ad internecionem devastatorem; prius vero dictæ pacis fervidum amatorem, inchoatorem, promotorem, et validissimum consummatorem; et licet vestra caritas irrevocabiliter currat, etiam non stimulata, in hujus pacis ædificationem, quantis tamen possumus supplicum

chapter of Lincoln.

Eph. ii. 14.

S. Augustin, v. p. 291.

1 Cor. xii. 4–6.

S. Matt. x. 34.

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[1] *radicata*] irradicata, Brown.
[2] *disponit*] disposuit, C.C.C.
[3] *in terram*] om. C.C.C.

precum stimulis eam interpellando incitamus, quatinus ad hanc pacem inter nos et capitulum nostrum formandam et firmandam laborare dignetur. Noverit insuper caritatis vestræ discretio quod libenti animo secundum commonitionem vestram, usque ad adventum vestrum in partes nostras, temperaremus ab his in quibus novimus capitulum nostrum juste vel injuste molestari, nisi per dilationem[1] executionis officii nostri crederemus firmiter nobis præjudicium generari. Intonuit enim nobis pro certo post recessum vestrum a partibus nostris, quod decanus et capitulum nostrum a festo Pentecostes proxime præterito habuerunt procuratorem in curia ad impetrandum contra nos, ad judices non immerito nobis suspectos, literas executionis officii nostri impeditivas, et hoc, ut creditur, ab eorum aliquibus, ne dicam ab omnibus, intenditur, ut litibus immortalibus detenti ab officii nostri executione perpetuo præpediamur. Quantum enim nos secundum modicitatem nostram dijudicare possumus, nihil in eos vel eorum subditos exercere contendimus, nisi quod secundum jus divinum et canonicum ad episcopale spectat officium, quodque a sede apostolica in fulcimentum juris communis et ordinariæ potestatis nobis specialiter est concessum et indultum, et quod omittere non possumus absque discrimine animarum. Siquid autem per imperitiam nostram decepti minus canonicum attemptaverimus, cum hoc nobis patuerit[2], semper juvante Domino, parati erimus ab attemptato desistere, errata corrigere et de transgressione satisfacere; quod pluries tam dicto quam scripto, decano et capitulo nostro intimavimus, et ut nobis errores nostros ratione seu jure scripto, non sola eorum assertione, amicabiliter ostenderent, supplicavimus, ut patefacta veritate desis-

They have had a proctor since Whitsuntide at the Roman Court to obtain letters against him to judges whom he suspects.

He will at once give way, if shewn to be in the wrong.

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[1] *dilationem*] dilectionem, C.C.C. | [2] *patuerit*] potuerit, C.C.C.

teremus ab errore; quod non curarunt facere, nec rationibus quas eis pro nobis scripsimus respondere. Valeat paternitas vestra per tempora longiora.

LXXX.

Robertus Dei gratia Lincolniensis Episcopus, S. de Arderne procuratori suo in curia Romana, salutem, gratiam, et benedictionem. 1239.

Sicut tibi mandavi per W. de Hemmyngburge clericum meum, suspenderam ab ingressu ecclesiæ, decanum, præcentorem, et subdecanum Lincolniæ, quia decanus et capitulum, licet sæpe commoniti, noluerunt revocare quoddam mandatum quod direxerant vicariis et capellanis ministrantibus in præbendis et ecclesiis de communa, ne obtemperarent mihi in prædictis locis visitare volenti; in vigilia quoque nativitatis Beatæ Mariæ mandaveram dictis decano et capitulo Lincolniæ quod visitarem capitulum Lincolniæ non solum auctoritate ordinaria, sed etiam Apostolica, certo die ad hoc eis assignato, scilicet die Jovis proximo post festum Beati Lucæ: incepi insuper statim post dictum festum Beatæ Virginis quasdam præbendas visitare: convocatis autem per decanum et capitulum omnibus canonicis in crastino Sanctæ Fidis in capitulo Lincolniæ, et habito super prædictis tractatu die Dominica proxime sequente ad pulpitum in ecclesia Lincolniæ, accepta a populo publice licentia adeundi sedem Apostolicam: et interpositis appellationibus propter injurias quas eis, ut dixerunt, faciebam et facere conabar, incontinenti post arripuerunt iter versus sedem Apostolicam decanus, præcentor, cancellarius, thesaurarius, et plures alii canonici Lincolnienses; miserunt etiam solennes nuncios et literas ad omnia capitula canonicorum cathedralium

An account of the course of the quarrel with the dean and chapter of Lincoln.

On Sept. 7 he had given notice that he would visit the chapter on the Thursday after Oct. 18.

Oct. 7.

They started for Rome to appeal.

He found no one at Lincoln on the appointed day, and was summoned to London.

ecclesiarum Angliæ et omnia[1] sibi contra me confœderaverunt; concitato insuper et commoto universo populo contra me, tanquam contra injuriosum et malefactorem. Ego tamen nihilominus accessi ad Lincolniensem ecclesiam die prædicto, præfixo visitationi faciendæ in capitulo Lincolniensi, hora debita ut dictum capitulum visitarem; sed neque canonicum aliquem neque vicarium, neque aliquem ejusdem ecclesiæ ministrum ibidem inveni, omnibus contra adventum meum de industria se subtrahentibus. His itaque gestis incontinenti arripui iter versus Londoniam, vocatus a domino Cantuariensi[a] propter quædam ardua negotia ecclesiæ suæ, ut ibidem in crastino commemorationis Animarum ei occurrerem: audito autem a decano Lincolniensi, et his qui cum eo iter arripuerant versus curiam, quod dicto die venturus eram Londoniam, ibidem me usque ad dictum diem expectaverunt, ut mecum, sicut dixerunt, de pace tractarent, convenientibus etiam[2] propter hoc tunc ibidem in eorum occursum plurimis ecclesiæ Lincolniæ canonicis. Dum autem prædicta gererentur, et etiam ante quasi procul odorans hujusmodi bellum, attente sæpius mecum consideravi quod si aliquos de capitulo suspenderem et postea excommunicarem propter contemptum, inobedientiam, et irreverentiam, non solum mihi, sed et multo amplius domino Papæ factas, in non admittendo me, sicut prædictum est, ad visitandum capitulum, licet propter hæc dignissimi essent canonica animadversione puniri, hæc et hujusmodi consequerentur.

[a] Edmund of Abingdon.

Nov. 3.

He was in doubt as to the right course.

Reasons against suspending and excommunicating them at once.

Primo videlicet, quod quia non consuevit quicquam hujusmodi ab aliquo episcopo Angliæ attemptari, magnum fieret murmur, magnusque tumultus per totam Angliam, plurimique plurimum scandalizarentur, quod in ipsa

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[1] *omnia*] omni, C.C.C. | [2] *etiam*] om. C.C.C.

gestione hujus negotii evidenter sensi; cum, sicut supra dixi, omnis multitudo majorum et minorum esset jam contra me quasi contra malefactorem non modicum commota et concitata.

Secundo autem, quod si prænominati, jam senio confecti et laboribus non assueti, in itinere quod jam arripere inceperant, in fata decederent, sicut verisimile est, vel magis fere certum est, quod hoc accideret de pluribus eorum, universa Anglia declamaret me talium tam venerabilium tantorumque virorum crudelissimum occisorem.

Tertio, quod si pro libertatis umbra quadam et falso nomine, cæca pulsi vanitate, in periculum vitæ temporalis se incircumspecte præcipitarent, ad quod, ut videbatur, erant pronissimi, in magnum discrimen hoc facerent æternæ salutis animarum suarum: quod nimirum mihi videretur durissimum, dare videlicet eis occasionem periclitandæ salutis, pro quorum salute ipsemet teneor quodvis temporale subire periculum.

Ex parte autem alia consideravi melius esse et magis eligendum quod scandalum oriatur, quam quod veritas moriatur; nec omittendum esse veritatem et salutem animarum operari per exprobrationem populi, vel etiam quorumcunque sapientium sapientiam mundi; cum Dominus dicat nos *beatos fore cum maledixerint nobis homines* et exprobraverint et *dixerint omne malum adversus nos mentientes, propter Illum* qui veritas est, qui et crucis confusionem passus est pro salute animarum: magis quoque permittendum esse pauciores præcipitare se in discrimen, quam multo plures pro defectu disciplinæ ecclesiasticæ perire in posterum.

Reasons on the other side.

S. Matt. v. 11.

Suadebant itaque prædicta inconvenientia ut ab incœpto desisterem: sed ex parte alia multo plus urgebant veritas et salus animarum ut incœptum persequerer. Inter has itaque angustias vehementer constrictus cogitavi bonum esse medium aliquod, si

He at last preferred a middle course,

possibile esset, eligere, quo et tanta inconvenientia vitarentur, et operatio veritatis et salutis animarum, licet forte aliquantulum dilata, non foret tamen ablata. Quo medio mihi videbatur posse incedi, si controversia visitationis faciendæ ad alicujus judicis, sapientis et omnino inflexibilis a veritate judicii, deferretur examen; et maxime ad talis judicis examen, cujus sententia statim transiret[1] in auctoritatem rei judicatæ. Cum enim visitationi prælati nulla obsistat consuetudo, neque contra eam currat præscriptio, nec quicquam eam impedire valeat de jure, nisi auctoritate et gratia sedis Apostolicæ concessa exemptio, quid in hac parte sententiabit judex verax, nisi quod ubi deest a gratia sedis Apostolicæ concessa exemptio, libere procedat prælatus in visitationis officio? Videbatur quoque mihi quod si in hac parte sententiatum esset pro visitatione[2], ab aliquo cujus sententia transiret in auctoritatem rei judicatæ, inde incomparabiliter amplius saluti multarum animarum consuleretur, quam si his, qui a me visitari renuunt, reclamantibus, pœnis inflictis et multiplicatis subire visitationem compellerentur: sententia enim prædicto modo pro visitatione prolata, omnibus episcopis Angliæ daret auctoritatem visitandi, et episcopos negligentes et pigritantes in visitationis officio non mediocriter ad visitandum excitaret et stimularet, imo etiam impelleret: contumaces autem et visitationi prælatorum rebellantes humiliaret, et omnem eorum rebellionem contunderet et prorsus adnihilaret, converterenturque sic *aspera in vias planas* in perpetuum, ut episcopi[3] videlicet Angliæ sua capitula suosque subditos sine rebellionis asperitate de plano visitarent; quæ[4] bona ex actu mei solius visitantis cum tanta rebellione, quantam supra tetigi, vix aut nullo modo pervenirent.

to refer the matter to arbitration.

Isa. xl. 4.

[1] *transiret*] exiret, C.C.C.

[2] *pro visitatione*] per visionem, C.C.C.

[3] *episcopi*] ipi, C.C.C.

[4] *quæ*] q', C.C.C.

His itaque consideratis, spem ponens in Illo qui pro visitandis ovibus suis non dubitavit manibus tradi nocentium et crucis tormentum subire, quod causam[1] visitationis ovium earundem non sinet perire, hac via media de consilio bonorum ac prudentium elegi incedere: anxiebatur tamen intra me cor meum de eligendo judice; quis enim in Anglia auderet sententiam proferre[2] in offensionem omnium capitulorum Angliæ? Quis etiam episcopis subditus vellet judicare pro visitatione, cum vix reperiatur aliquis, qui a suo superiori velit visitari? Pauci etiam episcopi pro visitatione vellent sententiare, cum odiant ecclesias suas ab archiepiscopo visitari, et pendeat adhuc super visitatione causa inter archiepiscopum[a] Cantuariensem et episcopum[b] Londoniensem.

Difficulty of finding an impartial judge.

[a] Edmund of Abingdon.

[b] Roger le Noir.

Tandem recogitans sapientiam et prudentiam et bonitatem domini legati, et super omnia confidens de veritate judicii a domino Papa reportanda, obtuli dictis decano et capitulo duas formas subscriptas, quarum prima est hæc sub his verbis scripta et eis tradita.

"Paratus est episcopus consentire in dominum "legatum tanquam in judicem, ita quod de omnibus "querelis contingentibus jurisdictionem, auctoritatem, "dignitatem, et officium episcopale motis et moven-"dis, tam super possessione quam super proprietate, "inter ipsum et decanum et capitulum, cognoscat "simpliciter et de plano, remota omni dilatoria "exceptione et appellatione qualicunque; sed statim "lite contestata super omnibus articulis ab utraque "parte proponendis, coram ipso recipiantur pro-"bationes super eis, quæ in facto, et allegationes "super eis, quæ in jure consistent; salvis etiam

His first proposal to the dean and chapter.

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[1] *causam*] causa, Ox. | [2] *proferre*] proferri, C.C.C.

"utrique parti privilegiis, indulgentiis, et concessionibus domini Papæ, et aliis instrumentis valituris utrique parti quod de jure valere debebunt; et tunc plene examinato negotio, amicabiliter componat inter partes si possit: alioquin causam sententialiter diffiniat, vel eandam plene instructam ad sedem Apostolicam mittat terminandam."

Secunda autem forma est hæc, similiter sub his verbis scripta et eis tradita.

His second proposal.

"Paratus est episcopus una vobiscum consultationem facere domino Papæ super omnibus querelis contingentibus jurisdictionem, auctoritatem, dignitatem, et officium episcopale motis et movendis, tam super possessione quam super proprietate, inter ipsum et vos, necnon super libertatibus, juribus, et consuetudinibus quas vos contenditis habere, plena narratione hinc inde facta et ad dominum Papam per nuncios speciales transmissa, ut super his quæ in jure consistunt, et super his quæ in[1] facto, in quibus partes concordaverint, a domino Papa congruum recipiatur responsum. Siquæ vero in facto consistant in quo sit contentio inter eos, per viros idoneos neutri parti suspectos communiter electos, et jurisdictionem et coertionem habentes, testes et aliæ probationes recipiantur et publicentur, et facta publicatione attestationes cum cæteris probationibus una cum prædicta consultatione ad dominum Papam mittantur, ut super omnibus prædictis, quod sibi visum fuerit respondeat; vel si placet eis, quoad ultimum articulum, dominus Papa det examinatores in partibus Angliæ, qui dictum negotium, ut supradictum est, instruant, et instructum ad curiam remittant."

Sed neutra istarum formarum ab eis acceptata, tandem condescendi ad tertiam formam quæ subscripta

[1] C.C.C. repeats *in*.

est; ad quam ea tamen ratione condescendi, quia etiam secundum illam formam poterit haberi recursus ad domini Papæ sententiam: quæ forma talis est.

"Die sabbati proxima post festum Omnium Sanc- "torum, anno pontificatus domini Gregorii Papæ noni "xiii°., in camera episcopi Lincolniensis apud vetus "templum Londoniæ, episcopus Lincolniensis et de- "canus et capitulum Lincolniense consenserunt in hanc "formam, videlicet:

His third proposal, the two previous ones having been rejected.

"Quod communiter mittent infra natale Domini "proximo sequens ad dominum Papam, impetraturi "ab eodem ut committat domino Wigorniensi [a] et de [b] "Wygornia[1] et Suthbyria [c] archidiaconis cognitionem "quæstionum super visitatione capituli Lincolniensis et "ecclesiarum de dignitatibus, præbendis, et communa ad "ecclesiam Lincolniæ spectantibus, et ministrorum "earundem ecclesiarum, et super correctione excessuum "eorundem, et super aliis controversiis contingentibus "jurisdictionem, auctoritatem, dignitatem, et officium "episcopale, et jura, libertates, et consuetudines Lin- "colniensis ecclesiæ, remotis omni exceptione dilatoria "et omni cavillatione et omni appellatione; sed statim "super hinc inde propositis lite contestata, auditis "probationibus, rationibus, allegationibus, et causa "plene instructa, si de partium voluntate processerit, "sententialiter causam determinent. Alioquin causam "sufficienter instructam infra certum tempus a domino "Papa præfigendum, ad eum remittant diffiniendam; "renunciaverunt etiam partes literis cognitionalibus "impetratis et impetrandis super prædictis aliis ab "istis; salvis utrique parti privilegiis, indulgentiis, et "concessionibus valituris quatinus de jure[2] valere "debebunt; cessantibus etiam interim tam episcopo "quam decano a visitatione facienda tam in capitulo

[a] Walter de Cantilupe.
[b] William Scot.
[c] Alan de Beccles.

[1] *et de Wigornia*] om. C.C.C. | [2] *jure*] jura, C.C.C.

" Lincolniensi, quam in prædictis ecclesiis dignitatum, " præbendarum, et de communa[1]; omnibus aliis dictas " quæstiones contingentibus in eo statu permanentibus " quo fuerunt tempore consecrationis dicti episcopi " Lincolniensis."

They agree to this last.

In hanc autem tertiam formam tam ego quam decanus et capitulum consensimus; et missuri sumus communiter duos clericos ad curiam ad impetrandum, secundum hanc tertiam formam: quod tibi volui notum esse, ut non labores in impetrando secundum formas petitionum quas tibi misi per W. de Hemmyngburge, et ut sis præmunitus magis ad procurandum ea quæ negotio salutis animarum prodesse poterunt, secundum quod Dominus tibi inspiraverit.

LXXXI.

1239. *Sanctissimo patri et domino Gregorio, Dei gratia summo Pontifici, Robertus miseratione divina Lincolniensis ecclesiæ minister humilis, beatorum pedum oscula devotissima.*

He begs the pope to assent to the proposal made, as to the quarrel with the dean and chapter, for the sake of peace.

Significavi nuper vestræ sanctitati quod cum ad visitationis officium explendum in capitulo Lincolniensi et ecclesiis præbendarum et communæ ejusdem ecclesiæ, manum solicitudinis pastoralis non solum auctoritate ordinaria, sed insuper et vestra, conarer extendere, decanus et capitulum viribus omnibus in hac parte se mihi opposuerunt; propter quod ex anxio affectu vestræ supplicavi sanctitati, ut ad dictorum dictam resistentiam enervandam, cum non tendat, quantum ego prospicere valeo, nisi ad libertatis inanem umbram et in animarum dispendium, meæ imbecillitati

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[1] *communa*] communis, C.C.C.

subvenire curaret. Quam supplicationem a vestræ sanctitatis ferventissimo zelo exaudiendam fore in animarum salutem et firmiter credo et alacriter spero; et quia in hoc anchoram spei immutabiliter fixi, ad vestræ sanctitatis recurrens subsidium, vobis sub brevitate duxi significandum quod cum causa visitationis ad ecclesiam Lincolniæ personaliter accederem, ac decano et capitulo mihi non obtemperantibus, monitionibus plurimis jam præcedentibus, in quosdam de capitulo animadvertere disponerem, tandem de prudentium consilio in quandam formam pacis convenimus, quam vestræ sanctitati transmitto præsentibus interclusam; humili devotione supplicans, quatinus in literis secundum tenorem ipsius a me et capitulo communiter impetrandis, vestra sanctitas illum nobis favorem exhibeat quem in salutem animarum noverit proficere, et episcopali honori, in quantum honor necessarius est oneri, viderit[1] convenire. In manus quoque gratiæ sanctitatis vestræ, quæ personam meam meosque et nostra negotia uberrima benignitatis affluentia semper est prosecuta, eadem devote commendo et recommendo; supplicans toto mentis desiderio ut eadem gratia, quæ nescit imminui, semper proficiat in augmentum. Incolumitatem vestram conservet Altissimus mihi et Ecclesiæ suæ per tempora longa.

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[1] *viderit*] viȝ, C.C.C.

LXXXII.

1239. *Reverendo patri in Christo Othoni, Dei gratia Sancti Nicholai in Carcere Tulliano diacono cardinali, Apostolicæ sedis legato, Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem, et quam debitam tam devotam obedientiam et reverentiam.*

He begs for the interference of Cardinal Otho against the abbat of Croyland acting as itinerant justice.

Cum obsistentibus impedimentis gravibus nequit inferiorum imbecillitas ad effectum producere quæ tamen ex officii debito tenentur complere, quid eis restat remedium nisi ad superiores recurrere? ut de affluentia majoris potestatis vigorem capiant, quo fortificati et roborati compleant quæ sine ipsius corroboratione complere non poterant, vel ut si tam gravia sint obstacula quod nec etiam sic repelli queant, superior potestas virtute propria potentiori id efficiat. Quamobrem cum abbas[a] Croylandiæ, ordinis beati[1] Benedicti, jure diœcesano nobis subjectus, per dominum regem constitutus sit justitiarius itinerans, et inter alios justitiarios itinerantes exerceat publice hujusmodi justitiariæ officium; quod quantum sit inconveniens, quantumque religioni et juri divino canonicoque contrarium, vestræ sanctitatis sapientia limpidissime conspicit; nec valeat per se nostra imbecillitas hoc scandalum tollere, objectis repagulis potestatis regiæ; cumque huic malo non possit sperari remedium aliunde nisi a vestræ sanctitatis potestate, præsertim cum alias in consimili causa ad venerabilem patrem dominum Cantuariensem[b] pro impetrando subsidio confugerimus, nec tamen id effectum sit quod desideravimus; ad vestram sanctitatem supplices recurrimus, rogantes et obsecrantes quam anxio affectu mentis possumus,

[a] Richard Bardenay.

[b] Edmund of Abingdon.

[1] *beati*] om. C.C.C.

quatinus ad tantam de domo Domini abominationem tollendam, congruum satagat providere remedium.

Cæterum cum sciamus vos non mediocriter affectasse ut commotio inter nos et capitulum nostrum suscitata sedaretur, ad tam sancti desiderii æstus aliquantulam, ut speramus, refrigerationem, vestræ sanctæ paternitati significamus quod cito post receptionem literarum vestrarum, quibus inter cætera nos affectuose commonuistis, ut nosmet temperaremus ab his in quibus, sive juste sive injuste, prædictum capitulum nostrum sentiebamus molestatum, obtulimus eidem capitulo duas formas satis, ut credimus, honestas, et ad dictam commotionem sedandam efficaces; sed eis utramque earum recusantibus, tandem condescendimus ad formam tertiam, in quam et ipsi consenserunt, quam, præsentibus inclusam, supplicamus ut vestra paternitas, licet pluribus occupata, non gravetur inspicere; plurimum namque desideramus quid super eadem forma vestræ sanctitatis discretionem videatur agnoscere[1]: urgebat namque nos ad condescendendum ad illam magnum desiderium sedandi tantum tamque turbulentum tot et tantorum tumultum, et tollendi occasionem scandalorum, obturandique ora detractorum, mendacium et maledicorum; et insuper multorum prudentium consilium, licet ex parte alia consideraremus melius esse scandalum oriri quam veritatis et salutis animarum officium deperire, multumque timeremus et adhuc timeamus ne forte minus prudenter ad illam formam condescenderimus, cum, secundum eam, posuerimus in quæstionem et sub judicium visitationis officium, quod auctoritate domini Papæ suffulti possemus, ut videtur, plenius exercuisse, quamvis non sine multorum tumultu et rebellione; et ne forte dominus Papa pro malo habeat, quasi pusillanimiter desierimus visitationis officium exequi, cum ut id libere exequeremur, nos de

The dean and chapter have accepted his third proposal, after having refused two previous ones.

[1] *agnoscere*] agnosse, Ox.

gratia speciali sua muniverit auctoritate, et ne in hac parte impediremur, procurator capituli, cujus mentionem
v. p. 252. vobis fecimus in literis quas nuper vobis dereximus,[1] a curia dimissus vacuus sit. Quia igitur utrum discrete in hac parte processerimus ignoramus, vestram, ut supra diximus, super hoc agnoscere[2] sententiam
Wishes to know when Otho will return through his diocese. valde desideramus. Præterea vestræ sanctitatis paternitati supplicamus devota affectione, quatinus nos velit certiores efficere de tempore reditus vestri per nostrum episcopatum, ut vobis tempestive possimus occurrere, et vos cum honore, tanto patri debito, pro posse nostræ modicitatis suscipere. Valeat paternitas vestra per tempora longiora.

LXXXIII.

1240. *Reverendo patri in Christo Edmundo, Dei gratia Cantuariensi archiepiscopo, totius Angliæ primati, Robertus miseratione divina Lincolniensis ecclesiæ minister humilis, salutem, et quam debitam tam devotam obedientiam et reverentiam.*

Ovid. Remed. Amor. 91. Malorum principiis obsistendum est, quia

" Sero medicina paratur
" Cum mala per longas invaluere moras."

An entreaty that the archbishop will resist bribery and intimidation in ecclesiastical elections, especially in that of a bishop of Hereford. Fama volitante per omnium ora, declamatur quod in electionibus faciendis jam incepit morbus gravis terroris, minarum et precum armatarum et seducentium blanditiarum, fortiter invalescere ; cui morbo nisi citius per congruum subveniatur remedium, non poterit de facili adhiberi medela in posterum ; consequeturque quod mater nostra Ecclesia, per gratiam Sponsi libera, per violentam oppressionem fiet ancilla, ac per hoc non
Gal. iv. 31. erimus *liberæ filii, sed ancillæ,* dura ligati servitute.

[1] *dereximus*] dixerimus, C.C.C. | [2] *agnoscere*] agnosse, Ox.

Erunt quoque, hoc morbo fortius ingruente, oves sine pastore; quia aut nullus intrabit *in ovile ovium*, aut S. Joh. x. siquis intrat, *non intrabit per ostium, ac per hoc non* 1, 2. *erit pastor ovium*, sed vanum gerens pastoris nomen secundum prophetæ vocem, veraciter erit *idolum*, vel, Zech. xi. quod pejus est, secundum alium prophetam, *leonis* 17. Ezech. *rugientis et lupi* mores obtinebit et vocabulum; xxii. 25, sicque non existente vero nomine pastore, exponentur 27. oves perditioni, eruntque rei mortis earum non solum hi qui eas perditioni exponunt, sed et hi qui obsistere poterant et non obstiterunt. Ne igitur tanta mala in immensum succrescant, vestræ paternitatis discreta sanctitas satagat modis omnibus tam pestilenti morbo dum recens est occurrere, ne si per longas moras invaluerit, sero adhibeatur diligentia medelæ. Instat, ut [1] audivimus, dies electionis celebrandæ in ecclesia Herfordiæ; et timetur ne forte dicti morbi acumen se ibidem fortiter ingerat; ideoque, ut nostræ videtur modicitati, vestræ sapientiæ et auctoritati conveniens erit si dictæ ecclesiæ capitulo ex parte vestra scribatur efficax persuasio de eligendo pastore idoneo, et de non timendo minas hominum, et de cavendo seductiones blandientium; et si a latere vestro ad dictos diem et locum mittantur aliqui prudentes et strenui qui chartam Regis Johannis de concessione libertatis electionum et confirmationem sanctæ memoriæ Papæ Innocentii de eadem concessione, sententiamque latam in omnes violatores libertatum concessarum in Magna Charta domini regis, in qua conceditur quod ecclesia Anglicana in perpetuum sit libera, et habeat omnia jura sua integra, et libertates suas illæsas, et principium concilii Oxoniensis in quo excommunicantur "omnes qui Concil. Oxon. "ecclesias malitiose suo jure privare præsumunt, aut per 1222. "malitiam earundem libertates confringere vel perturbare Wilkins, i. p. 585.

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[1] *ut*] et, C.C.C.

"contendunt," distincte et aperte exponant, commonentes efficaciter ne quisquam contra hæc venire præsumat: hoc enim erit terror malignantibus, confortatio eligentibus, multumque proficiet in ecclesiasticam libertatem et animarum salutem et vestrum honorem. Erit etiam, ut nobis videtur, non inconveniens, si celebrata electio non perfunctorie, sed diligentissime, examinetur secundum omnes articulos contingentes tam ipsam electionem quam electi personam, maxime si prædicti morbi accidentia aliqua se[1] immiscuerint, præsertim cum gravis debeatur[2] pœna electionem minus canonicam confirmanti. Hæc autem vobis scripsimus, non tanquam volentes facula solis juvare splendorem, sed applaudentes vestro cursui infatigabili ad bravii comprehensionem. Valeat paternitas vestra semper in Domino.

LXXXIV.

1240. *Viris venerabilibus et amicis in Christo carissimis, domino Roberto de Lexinton et sociis suis justitiariis domini regis itinerantibus apud Lincolniam, Robertus Dei gratia Lincolniensis episcopus, salutem et sinceram in Domino dilectionem.*

A rebuke to R. de Lexinton and the itinerant justices at Lincoln for reviling and punishing the

Insinuatum est nobis quod vos H. decanum[3] Christianitatis Lincolniæ multis opprobriis et contumeliis affecistis, et ostia domus suæ claudi fecistis, et bona sua et terras quasdam quas nomine tutelæ filiarum fratris sui tenuit, et etiam bona quædam cognatorum suorum in manu domini regis capi fecistis, horum hac sola existente causa; quod vobis denunciavit ne causæ

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[1] *se*] om. C.C.C.
[2] *debeatur*] videbatur, C.C.C.
[3] *decanum*] diaconum, C.C.C.

sanguinis die Dominica in foro vestro tractarentur. Quæ cum a nobis audirentur, incredibilia plurimum nobis videbantur: non enim verisimile est, quod discretio talium tantarumque personarum, tam ex officio quam ex aliis personarum vestrarum circumstantiis justitiam zelantium, cuiquam pro zelo[1] justitiæ pœnas irrogasset. Quid enim aliud quam justitiam juste vobis denunciavit, qui causas sanguinis non esse tractandas diebus Dominicis esse asseruit? cum canonicæ sanctiones omnem diem Dominicam feriendam jubeant; exprimantque specialiter mercata diebus Dominicis minime debere fieri, seu placita teneri, vel aliquem ad mortem vel ad pœnam judicari. In Decalogo quoque, cujus observatio necessaria est ad salutem, et sine cujus observatione salus non est, præcepta est Sabbati observatio, quod qui non observat, lege divina morte punitur: pro Sabbati autem observatione, nobis est in nova lege observatio diei Dominicæ; cujus observationis voluntaria violatio quid aliud est quam æternæ morti addictio? Quas igitur pœnas meruit qui vos, ne in æternas pœnas curratis, cohibere studuit? quinimo laudandus magis et præmiandus a vobis existit, si monita salutis vobis dedit, et a lapsu in barathrum prohibere curavit. Insuper et sanguinis vestri reus et, secundum Scripturam, maledictus esset, si videns[2] Sabbati violationem, *gladium verbi a sanguine peccati vestri* cohibuisset: et ut *nos a sanguine vestro mundi simus*, præsentium tenore rogamus, cohortamur, et obsecramus in Domino ut filios carissimos, ex affectu paterno commonentes, quatinus Sabbatum Domini, quod sanctum est[3] et violari non licet, secundum præceptum legis divinæ, et sanctiones legis canonicæ, sicut veri et obedientes filii Legislatoris Christi et sponsæ inviolatæ

dean of Christianity at Lincoln, because he denounced them for trying capital causes on Sunday.

Jer. xlviii. 10.
Act. xx. 26.

[1] *zelo*] celo, C.C.C.
[2] *si videns*] sibi deus, C.C.C.
[3] *est*] om. C.C.C.

matris Ecclesiæ, observare et sanctificare satagatis; et si[1] talia qualia audivimus facta fuerint, ea emendare curetis, attendentes quod etiamsi dictus deliquisset in in vos, vestrum non esset ipsum punire, cum[2] secundum legem divinam et canonicam personalia clericorum delicta a secularibus judicibus nequaquam sunt judicanda vel punienda, nec posset ecclesia quoquo modo sustinere ecclesiasticam libertatem taliter deperire. Valete.

LXXXV.

1240. *Robertus Dei gratia Lincolniensis Episcopus dilectis filiis conventui de Messenden salutem, gratiam, et benedictionem.*

On the duties of electors to pastoral charges.

Qui ad ministerium aliquod, utile multis et necessarium, debet eligere de multis ministrum unum, tenetur proculdubio diligenti ac prudenti perscrutatione prius investigare quis de multis ad ministerium quod intendit rite administrandum, cæteris de præposita multitudine sit aptior, hoc est, potentior, sapientior[3], et voluntate promptior atque ferventior, et quem talem investigaverit, præeligere; alioquin erit elector non solum fatuus, sed injustus et impius; faciet enim eorum detrimentum, quorum deberet facere proficuum. Quantum enim quem eligit ineptior est eo quem posset aptiorem eligere, tantum (quantum est in se) de ministerii detrahit utilitate atque necessitate: quanto quoque ministerium ad quod eligendus est minister, melius est et magis necessarium, tanto injustior et nequior est qui eligit, nisi eum præferat quem tota solicitudine perscrutatus fuerit hujusmodi ministerio convenientiorem.

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[1] *si*] om. Ox.
[2] *cum*] et, C.C.C.
[3] *sapientior*] om. C.C.C.

Cum igitur ministerium curæ pastoralis omnibus aliis ministeriis sit excellentius, nobilius, utilius, ac maxime necessarium, elector pastoris[1] animarum omnibus erit iniquior, et Deo, angelis, et hominibus detestabilior, qui pastorem eligit nisi quem ad curæ pastoralis ministerium, quantum possibile est humanæ fragilitati, perscrutatus fuerit idoneum. Quia itaque in electione pastoris, ut[2] jam perspicuum est, periculosissime quoad personam eligendam erratur, cum hujusmodi error electorem et electum simul cum omnibus quibus præficitur, trahat in barathrum; vestræ autem congregationis unitas sit tanquam elector pastoris unus, vos etiam sitis oves quibus pastor est eligendus; nos, paternam de vobis gerentes solicitudinem, paterno affectu vos rogamus, monemus, exhortamur, ac, quantum possumus, injungimus, ut ad pastorem idoneum vobis eligendum pro viribus vestris omnem apponatis curam et diligentiam, utentes in hac parte consilio, non sapientium hujus seculi, quorum prudentia apud Deum reproba et sapientia stulta, sed illorum qui sapiunt *Jesum Christum*, æternam patris sapientiam, et *Hunc crucifixum*, invocantes summa devotione ipsius gratiæ illuminationem ad pastoris idonei ostensionem et assumptionem; ne contingat vos tanquam oves sine pastore per abrupta vitiorum errare et ad inferos ruere, ibique reatui electionis pravæ, ac per hoc mortis propriæ, pœnas debitas æternaliter solvere. Recogitate quoque quam indignum est vestræ professioni etiam porcos vestros propriis animabus præferre, magisque de ipsis quam de vobismet curare. Nonne, cum porcis vestris debetis providere de custode, cum omni perquiritis diligentia talem qui possit, sciat, et velit eos in pascua sibi congruentia mane educere, et in illis per diem pascere, a furibus et bestiis intactos et illæsos

He exhorts the convent of Missenden to choose a fit person for abbat. [Roger de Eylesbir was elected.]

1 Cor. ii. 2.

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[1] *pastoris*] pastoralis, C.C.C.$_2$. | [2] *ut*] et, C.C.C.

conservare, ad vesperam salvos[1] ad nocturnum receptaculum reducere, et noctis etiam vigilias super ipsos custodire? Si consimilem itaque diligentiam non adhibetis de providendo animabus vestris idoneo pastore, nonne pluris vobis sunt porci vestri, quam animæ vestræ? Absit hoc procul a vobis, absit longissime; vos autem, sicut decet religiosos, zelo Dei et salutis propriæ accensi, cum devotissima orationum instantia, prudenti bonorum consilio, ac solerti et solicita diligentia propria satagatis, secundum doctrinam
1 Tim.iii.2. Tit.i. 7—9. Apostoli, pastorem vobis eligere *irreprehensibilem, sine crimine, non superbum, non iracundum, non litigiosum, non vinolentum, non percussorem, non turpis lucri cupidum; sed sobrium, prudentem, ornatum, pudicum, hospitalem, benignum, modestum, justum, sanctum, continentem, doctorem sicut Dei dispensatorem, amplectentem eum, qui secundum doctrinam est, fidelem sermonem, ut potens sit exhortari in doctrina sana, et eos qui contradicunt arguere; domui suæ bene præpositum.* Si circa talem pastorem vobis perquirendum prædicto modo fideliter laboraveritis, speramus quod ipse Pastor pastorum vobis aderit, nec pium laborem vestrum permittet inanem et infruc-
S. Matt.vii. 7. tuosum. *Dat enim petentibus, offert quærentibus, et pulsantibus aperit:* quod si desides et quæ Dei sunt et
Rom. ii. 5. vestræ salutis negligentes in hac parte fueritis, *iram* Dei, angelorum, et hominum vobis *thesaurizabitis;* nec poterimus dissimulare, nisi vellemus, quod absit, vobiscum fieri participes gehennæ, quin et vestrum corrigamus errorem, et pro posse nostro idoneum vobis demus pastorem. Valete.[2]

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[1] *salvos*] salvo, C.C.C.
[2] Here follow in C.C.C. Epistt. 59 and 58 repeated.

LXXXVI.

Venerabili in Christo patri Bonifacio, Dei gratia electo Cantuariensi, Robertus miseratione divina Lincolniensis Ecclesiæ minister humilis, salutem et quam debitam tam devotam in omnibus obedientiam et reverentiam. 1243.

Gratias agimus Domino Jesu Christo, Pastori summo, qui ecclesiæ suæ Cantuariensi, diu pastoris solatio destitutæ, providit de pastore. Speramus enim quod ad imitationem Jesu Christi Pastoris summi, in quo omnes pastores sunt unus pastor, gregem vobis commissum, secundum propheticum eloquium, pascetis scientia et doctrina, judicio quoque et justitia, *quod infirmum est consolidantes, et quod ægrotum sanantes, quod fractum alligantes, et quod abjectum*[1] *reducentes, et quod perierat quærentes*, quæsitum et inventum in humeris fortitudinis æquanimiter prospera et adversa ferentis reportantes. Ad hæc et hujusmodi ad honorem Dei et ecclesiæ libertatem et animarum salutem tendentia, vestra solicitudine indefessoque labore, favente Domino, consummanda, sicut decet obedientiæ filium pro nostræ modicitatis viribus, juvante Spiritus Sancti gratia, obedientes et sedulos desideramus vobis tanquam patri dilectissimo affuturos[2] cooperatores.

[Congratulations on the archbishop's appointment.] [Ezech. xxxiv. 4.]

Quia igitur ad bene operandum et laudabilius consummandum, plurimum juvat plerumque super operandis in posterum præmunitum fuisse, vestram discretionem nolumus latere, quod cum dominus Papa postulationem de domino Norwicensi[a] factam in Wintoniensis Ecclesiæ pontificem admiserit et confirmaverit, et domino Regi Angliæ pro dicto confirmato scripserit,

[On the bishop of Norwich's claim to the bishopric of Winchester.]

[a] William de Raleigh.

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[1] *abjectum*] objectum, C.C.C.
[2] *affuturos*] affecturos, C.C.C., C.C.C.$_2$.

The king, if he persists in his opposition, will violate Magna Charta.

quatinus eidem castra et maneria Wintoniensis Episcopatus restituat, dictus dominus rex id hucusque facere contradixit: in quo proposito si perstet, poterit hoc ipsi et regno suo non minimum obesse, quod absit, cum in hoc facto evidenter videatur facto domini Papæ contraire; cui præter fidelitatem communiter ab omnibus principibus ecclesiæ filiis debitam, ipse specialiter per chartam et juramentum illustris memoriæ regis Johannis, patris ipsius, tenetur ad fidelitatem sub pœna gravissima, quam vos latere non credimus. Cum itaque ad vestræ discretionis diligentiam maxime pertineat, post dominum regem, ejusdem et regni sui honori, paci, et tranquillitati providere, vobisque præ cæteris ejusdem regni maxime incumbat ecclesiasticam libertatem tueri, et facta domini Papæ, ut debitum sortiantur effectum, confovere; vobis omni qua possumus devotione supplicamus, quatinus vestra sapientia contra tanta pericula tantasque sacerdotii et regni imminentes discordias et perturbationes[1] remedia satagat congrua providere. Et quia, testante sapientia, *bonæ mulieris beatus vir;* per mulierem enim sapientem vir salvatur, corde ipsius per ejus suavem et salubrem persuasionem in melius commutato; secundum quod nostræ parvitati videtur, consulte fiet, si domina regina Angliæ, neptis vestra, tam per literas vestras quam discretos et fideles nuncios, diligenter moneatur et efficaciter inducatur, ut cor domini regis, secundum prudentiam a Deo sibi largitam, temptet in melius in hac parte commutare, ut a dicto desistat proposito, modis omnibus inducere, ne vester[2] primus ingressus in Angliam, quem Deus pacis faciat pacificum, per hujusmodi discordias perturbetur, aut vobis ipsis generetur necessitas cum domino rege seu aliquo alio discordandi in vestri adventus recentia. Valeat paternitas vestra semper in Domino.

Ecclus. xxvi. 1.

Boniface is requested to induce the queen, his niece, to persuade the king to desist.

[1] C.C.C. inserts *regni*. | [2] *vester*] Brown reads *ut*.

LXXXVII.

Venerabili in Christo patri Bonifacio, Dei gratia electo Cantuariensi, Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et quam debitam tam devotam in omnibus obedientiam et reverentiam. 1243?

As caution is needful in admitting to the cure of souls, he remits the presentee to Castor to the discretion of Boniface, who knows him, which Grosseteste does not.

Secundus ramus a radice caritatis procedens est dilectio proximi: dilectio vero est desiderium non semisaucium[1] et otiosum, sed sanum et actuosum veri boni ipsius qui diligitur, non alterius sed ipsius dilecti gratia. Verum autem bonum est, non quod exterius, ut honor, generis nobilitas, vel divitiæ seu hujusmodi; neque quod corporis, ut robur, sanitas, pulchritudo; sed quod animi, fides[2] scilicet et virtus in via, per quæ pervenitur ad fruitionem Trinitatis in patria. Igitur qui in caritate radicatur, vult, et ex voluntate operatur quod potest, ut proximus in vera fide fundetur et virtutibus informetur: quapropter qui habet in potestate, et ad id tenetur ex officio, ut proximis præficiat doctorem qui eos in fide fundet et virtutibus informet; si pro hujusmodi doctore eis scienter et volens præficiat, qui prædicta ob impotentiam vel ignorantiam[3] vel negligentiam non faciat; manifestum est talem proximos non diligere, nec in caritate manere, ac per hoc in statu salvandorum non esse. Quomodo enim oves diligit, qui constitutus in medio luporum rapacissimorum, scienter et prudenter paralytico, aut cæco, aut torpore desidiæ languido tradit custodiendas[4]? Nonne potius est ovium perditor? Et, si

[1] *semisaucium*] somniantium, Brown.

[2] *fides*] fideles, C.C.C., Ox.

[3] *vel ignorantiam*] om. C.C.C.

[4] *custodiendas*] custodias, C.C.C.

sint spiritales, earum crudelissimus occisor, pro quibus vivificandis occisus est piissimus mundi Salvator? Nec solum incidit in hujusmodi reatum homicidii, qui sciens et volens animas tradit salvandas salvare impotenti, aut ignoranti, aut negligenti; sed et in pluribus qui eas committit tali curandas, de quo penitus ignorat qualis sit in potentia aut scientia aut voluntate curandi. Etsi enim accidere possit ignotum esse ad regimen animarum idoneum; non est tamen, si hoc accidat, ignotum præficientis munus, sed potius fortunæ: si autem incognitus sit minus idoneus, merito imputabitur hoc præficienti; quia, ne talem præficeret, debuit diligenter præcavisse. Qui enim sagittans in locum, per quem novit consuetum esse et frequentem hominum transitum, occidit aliquem, licet ignorans; non excusat eum hujusmodi ignorantia, sed magis reus est homicidii perpetrati, quia antequam sagittam emitteret, considerasse diligenter debuit ne forte quisquam præsens ibidem tunc fuerit. Hæc itaque et hujusmodi nobiscum tractantes, et attendentes siqui Christum in membris suis non paverunt, vel potaverunt, vel hospitio susceperunt, vel induerunt seu visitarunt, *in* S. Matt. xxv. 41. *ignem æternum ibunt qui præparatus est diabolo et angelis suis;* quanta graviori pœna sunt digni qui ipsum in membris suis occiderunt; quantisque coartabuntur angustiis, cum Ejus conspectui in tremendo judicio præsentabuntur? In tradenda animarum cura toti timore concutimur, ne forte pro vivificatoribus, eas occisoribus exponamus, ac nosmetipsi per hoc in tremendo judicio cum homicidis condemnemur. Isto itaque timore nos arctante, præsentatum ad ecclesiam de Castre, quem penitus quis et qualis sit ad regimen animarum ignoramus, non admisimus, nec admittere recusavimus; sed vestræ paternitatis discretioni, quæ dictum novit præsentatum, et animæ ipsius et parochianorum dictæ ecclesiæ curam gerit et solicitudinem, ejusdem ecclesiæ hac vice, quoad ipsius præsentati

personam, concedimus ordinationem; sperantes quod incomparabiliter plus intendit vestra caritas multarum animarum æternæ providere saluti, quam unius hominis commodo quantolibet temporali. Valeat vestra paternitas semper in Domino.

LXXXVIII.

Venerabili in Christo patri Bonifacio, Dei gratia electo Cantuariensi, Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et quam debitam tam devotam in omnibus obedientiam et reverentiam. 1243?

Cum diœcesis nostra multum sit diffusa multumque inhabitata, ac per hoc multos habeat in his, quæ ad ecclesiasticam pertinent correctionem, transgressores, quos pro officii nostri debito necesse habemus canonica correctione dirigere, et quosdam virga directionis, ut ad viam veritatis redeant, asperius quam vellent ferire; quam plurimi impatienter sustinentes, ultionis libidine, ut nos saltem fatigent, de nobis vestræ paternitati conqueruntur; ac grave sit nobis admodum ad quamlibet de nobis hujusmodi querimoniam procuratores et clericos nostros Cantuariam mittere; vestræ paternitatis discretionem affectuose rogamus, quatinus nobis super hujusmodi dispendio remedium congruum paterna solicitudine curetis providere. Cæterum incassum jacitur fundamentum bonum supra firmam petram, nisi ipsum fundamentum conservetur ne dissipetur, et nisi correspondens ædificium superaddatur, aut si petræ firmitas in arenæ transeat instabilitatem. Bonum posuistis fundamentum, coöperante Salvatoris gratia, supra firmam, ut credimus, firmiter mentis in Christo firmatæ constantiam. Caveat vestra solicitudo ne manibus iniquis fundamentum dissipetur, aut petræ

On the treatment of those who have offended in Lincoln diocese, and complain to Boniface, when corrected.

firmitas, hoc est, mentis vestræ in Christo constantia, falsis persuasionibus aut blandimentis allicientibus aut persecutionibus intentatis terrentibus, quasi quibusdam præstigiis, in arenæ fluxum monstruose labatur; sed satagat omnino ut melioribus assurgentibus profectibus bonorum operum consummatione fastigia claudentium, domus vestrum protegens præsulatum superædificetur: nec molestum sit vobis, rogamus, quod minor majori talia quasi importune suggerit; non enim potest amor, res plena soliciti timoris, amato non suggerere talia; nec debet cuiquam amarum sapere quod de dulci prodit caritatis radice. Valeat paternitas vestra in Domino.

LXXXIX.

1245. *Venerabili in Christo patri Bonifacio, Dei gratia archiepiscopo Cantuariensi, totius Angliæ Primati, Robertus miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et quam debitam tam devotam in omnibus obedientiam et reverentiam.*

On the subsidy granted by the Pope from the province to the archbishoprick of Canterbury.

[a] Peter de Egeblanke.

[b] Richard de la Wyche.

Accedentes nuper ad nos clerici vestri ex parte vestræ paternitatis[1] nos rogaverunt, quatinus cuidam literæ, nomine nostro et dominorum Herefordensis[a] episcopi et Cicestrensis[b] electi[2] cæteris suffraganeis vestris directæ pro negotio subsidii a domino Papa de prælatis et clero provinciæ Cantuariensis vobis concessi, sigillum nostrum una cum sigillis duorum prænominatorum dominorum apponeremus; postea vero iidem clerici per nos redeuntes iterato ex parte vestra rogaverunt, quatinus dictis suffraganeis pro prædicto

[1] *Accedentes . . paternitatis*] om. C.C.C.

[2] *electi*] clerici, Ox., and suffragantes for *suffraganeis*.

subsidio nosmet literam supplicatoriam et exhortatoriam destinare curaremus; neutra tamen vice, quod dicti clerici rogaverunt, fecimus; super quo a vestra paternitate veniam petimus; non enim fas nobis est, vestræ paternitati, nec dilectioni speciali quam erga nos vestri gratia geritis, quicquam denegare quod inoffensa justitia et nostra honestate illæsa possumus facere. Prædicta autem fecisse non potuimus, sicut nobis certissime visum erat, nisi forte aliquos de coepiscopis nostris offendissemus, cum videremur manifeste ab eorum unitate recessisse, prædictum subsidium, quantum in nobis esset, sine illis præconcedendo, et nostra præconcessione ad idem faciendum eos quodammodo arctando. Toti quoque clero dictæ provinciæ nos reddidissemus odiosos; qui etiam publice declamarent quod nos, quantum in nobis esset, nostra hujusmodi præconcessione, (non enim exhortari possemus in hac parte quod prius nosmetipsi non videremur concessisse,) eos intolerabiliter gravassemus; præsertim cum dominus Papa et dominus rex auctoritate papali ab eodem clero præsentialiter exigant in non modica quantitate sibi subveniri. Ut igitur hæc et hujusmodi vitaremus, manum a scribendo continuimus, et scripta non signavimus. Habeat igitur vestræ paternitatis benignitas nos, si placet, in hac parte excusatos, paratos semper ad ea quæ vestræ debeant voluntati complacere. Valeat paternitas in Domino.

XC.

Robertus Dei gratia Lincolniensis Episcopus, dilectis in Christo filiis decano et capitulo Lincolniæ salutem, gratiam, et benedictionem. 1240?

Naturaliter indicta est, non solum hominibus et mansuetis animalibus sed[1] et feris bestiis, propriæ

On the behaviour of the dean and chapter.

[1] *sed*] om. C.C.C.

prolis dilectio; unde parens prolem non diligens, non solum humanam, sed illam exuit naturam in qua cum irrationabilibus communicat, factus non similis jumentis insipientibus, sed ipsis multo posterior. Nexus autem[1] spiritalis nexu carnali melior est et pretiosior; quapropter et spiritalis paternitas carnali, et dilectio quæ ipsam consequitur, ea quæ consequitur carnalem. Melioris autem privatio deterior, et pretiosioris vilior. Patres igitur spiritales ad prolem suam spiritalem dilectione non affecti, deteriores sunt et viliores ipsis quos diximus jumentis, quanto spiritalis paternitas, eamque concomitans dilectio, melior dignoscitur esse naturali. Consimilis autem ratiocinatio decurrit in prole parentem non redamante, nisi quod parentum amor est ad prolem intensior, et ob hoc ejus privatio vituperabilior. Parentis et prolis correlatione adinvicem conjungimur; sit igitur procul a nobis, mutua non conjungi dilectione, ne nos, vel vos, vel utrique, ferali, imo ferali postpositæ, postponamur naturæ.
1 Cor. ii. 11. Nullus autem *hominum scit quæ sunt ipsius hominis, nisi spiritus qui in ipso est;* sed nec ipse potens est ad perscrutandum omnino seipsum. Veruntamen quantum potest spiritus noster se perscrutari, invenit in se paternæ affectionis ad vos omnes et singulos dilectionem; nec credimus, licet forte aliquando ex aliquo impulsu subito erga vestrum aliquem[2] aliquod verbum minus circumspectum erupit, nos ex nostris operibus argui posse ad vos paternam dilectionem non observasse: absit a nobis ut hanc vitalem auram spiremus, nisi vos sincera
1 S. Joh. iii. 14, 15. complectentes dilectione: *qui* enim *non diligit, manet in morte,* et qui non diligit odit, ac per consequens *homicida est, non habens in se vitam manentem.* Solus enim amor fenestra est per quam primo[3] influit

[1] *autem*] om. C.C.C.
[2] *aliquem*] aliquid, C.C.C.
[3] *primo*] om. C.C.C.

lumen vitæ: dilectio autem est appetitus non tepidus sed vehemens boni ipsius quem diligit.

Bonum autem hominis etsi tripliciter dividatur, in bonum scilicet exterius, et corporis, et animæ; solum tamen bonum animæ, quod est virtus et ipsius operatio, verum est hominis bonum et pura dilectione appetendum. Quia igitur vos paterne diligimus, vestrum verum bonum vobis non appetere vehementer non possumus; appetitus autem vehemens, nacta facultate, necesse habet in actum prodire: actus vero appetitus veri boni ipsius qui diligitur, est primo doctrina verax et persuasio efficax virtutis imitandæ et malitiæ fugiendæ; deinde, super malo ex doctrina non evitato non mollis, qualis fuit Hely sacerdotis, sed rigida, qualis Johannis Baptistæ et ipsius Salvatoris, correptio; tertio, per correptionem non correctis flagelli additio; hoc enim ordine Salvator noster suæ dilectionis ad nos exseruit actum. Hoc itaque et nos necesse habentes imitari, salutis doctrinam et virtutis imitandæ, vitiique fugiendi persuasionem, quantum scivimus, veracem et efficacem, quando potuimus, vobis proposuimus. Nunc autem, unde usque ad intimas dolemus medullas, necesse habemus, doctrinæ correptionem adjungere, ne sanguis vester de manibus nostris requiratur; facitis enim tantis viris, quanti vos reputamini, tam inconvenientia, et hoc *in oculis solis hujus*, a quibus si lucis suæ radios averteret, sicut fecit ab Ægyptiis, habenti veritatis et bonitatis zelum non esset mirandum. Peccata namque tanto sunt graviora et magis abominanda, quanto qui peccant altiorem adepti sunt gradum; vos autem estis quidam legis, prophetarum, et evangelii doctores; omnes autem eorundem professores; omnes, licet in differentibus, excelsis tamen gradibus ecclesiasticis et spiritalibus constituti; et tamen, quod summe mirandum est, primo non erubescitis manifestum mendacium, scientes tamen quod *os quod mentitur occidit animam*, et quod per-

2 Sam. xii. 11.

Sap. i. 11.

dentur omnes qui loquuntur mendacium; nec immerito, cum mendax sit abnegator veritatis, et per consequens Salvatoris, qui de se dicit, *Ego sum via, veritas, et vita;* filiusque perditionis, quia filius diaboli qui *mendax est et pater mendacii;* insuper et falsus testis sui, sicut dicit Augustinus; abusor quoque vasis pretiosissimi, de quo debet Rex summus cibari et potari. Sermo enim vas est in quo Deo offerimus scilicet non solum veritatem entium[1], sed et laudis ipsius et nostræ confessionis, quibus tanquam cibo et potu, se teste, delectatur. Nec est creatura aliqua quæ gerat expressius Verbi incarnati similitudinem, quam humanæ vocis verbum: quam abominabilis est ergo et maxime veritatis doctor et auditor, in vase tam mirifice cælato pro veritatis puritate propinans summo Regi mendacium, quod inter omnia est ipsi summe abominabile? Colligite igitur ex prædictis, mendacis, licet exilem et non plenam, descriptionem; quod ipse videlicet est Dei abnegator, diaboli proles, contra seipsum testis falsus, vasis pretiosissimi in Dei contemptum et offensam abominabilissimus abusor; ac per hæc suiipsius homicida et proditor. Nunquid non summe dolendum est quod tam horrida[2] vobis coaptari potest descriptio? Quis enim non novit falsissimum esse, magistrum Ricardum de Kyrkeham, tempore quo quosdam ex vobis suspendit vel excommunicavit, sive juste sive injuste, nullam in vos jurisdictionem habuisse ordinariam aut delegatam? Nonne vosmetipsi ipsum petiistis in judicem, et nuncios ad hoc impetrandum misistis et impetrastis? Qua igitur fronte, non solum verbo sed et scripto apostolico audetis asserere ipsum nullam in vos jurisdictionem ordinariam aut delegatam habuisse? Nunquid *frons meretricis facta est vobis* ut nesciatis tam verecundum vobis erubescere? Filii carissimi, quos (novit quem nihil latet) gesto affectu materno in

S. Joh. xiv. 6.
Id. viii. 44.
Apparently S. Aug. De Mendacio, cap. 6. Opp. vi. p. 422.
Their falsehood in the matter of Richard de Kirkeham's excommunication of some of them.
Jer. iii. 3.

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[1] *entium*] euntium, C.C.C. | [2] *horrida*] horrenda, C.C.C₂., Ox.

cordis mei utero, et in ulnis meis affectu nutricio, quos et affectu paterno nunc verbis castigo, obsecro vos per Illum qui est Veritas, ut tam turpem *maculam de gloria vestra* tollatis. Non enim excusabiles estis, licet non sub nomine vestræ communitatis, sed sub singularibus nominibus plurium ex vobis, contra dictum magistrum sit impetratum, qui singillatim ipsum impetunt; ipsi enim singuli membra sunt vestræ communitatis; nec potest membri deformitas corporis[1] non esse: propterea cum hujusmodi deformitatem non nitimini abstergere, nullo modo potestis vos excusare; si autem enitentes non potestis, qua discretione tanto conamine repellitis manum extergere non solum volentis sed et potentis, si tollatur obex solummodo vestræ repulsionis? Propterea, non est vestra justificatio, sed magis peccati ad peccatum additio, et fasciculi impietatis colligatio, quod dicunt quidam ex vobis quasi ad excusationem, dictum magistrum in vestram communitatem, et non in aliquid singulariter ex vobis, habuisse jurisdictionem; cum idem magister, sicut etiam patet ex actis, non intenderet aliquem vestrum tanquam unam singularem personam in ipsius quoquo modo singulariter punire, sed totum corpus in sua parte, totalitati tamen, prout potuit, volens parcere; sicut qui ponit alium in custodia, volens tamen ipsi parcere, non totum corpus ferro circumdat et ligat, sed vel pedes solum compedibus, vel brachia manicis, non singulariter in pœnam pedum vel manuum, sed in pœnam ipsius qui sub custodia servatur. Si itaque vestræ pepercit totalitati, sicut certi sumus quod ille et sui conjudices fecerunt; nunquid æquum aut etiam humanum facitis, qui, quia vobis pepercit, ipsum persequimini?

Ecclus. xxxiii. 24.

Ad hæc manifestum est quod non zelo justitiæ, sed libidine vindictæ, ipsum insequimini; quod etiam qui-

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[1] *corporis*] corpus, C.C.C.

dam ex vobis, ut dicitur, publice fatentur; libido autem vindictæ lancea est in manu furiosi, qua proprium transfigit corpus, ut retrostantis perforet vestimentum: non enim potest quis alium lædere, nisi in bonis exterioribus vel bonis corporis; libidine autem vindictæ, sui ipsius transfigit animam, et virtutes animæ, quasi vitalem ipsius sanguinem effundit. Usurpat quoque sibi quæsitor ultionis, quod sibi soli Deus reservavit, dicens: *Mihi vindicta*[1], *et ego retribuam.* Judices enim qui peccata ulciscuntur[2], non hominis sed Dei agunt judicium: usurpans vero alicujus proprium, quantum in ipso est, aufert alteri suum esse, sibi ipsi tribuens illud; quapropter et vos, quantum in vobis est, Deo aufertis esse divinum, vobismet illud tribuentes; et cui in hoc effecti estis similes? Nonne illi qui *sedem suam ad Aquilonem* voluit ponere et fieri *similis Altissimo?* Magnanimi reputamini; sed probavit vos non esse magnanimos quæsitio ultionis; magnanimi enim proprium est[3], non memorari injuriæ, nihilque tam pusillanime quam libido vindictæ. Ne igitur, filii dilecti, vosmet incassum primo transfigatis, et quod divinum est cum Sathana usurpetis, et vos, tanti tamque præclari nominis hucusque, pusillanimes ostendatis, hanc etiam maculam de medio vestri tollatis: non enim gloriosum est vobis, sed humile multum et vile quod in hac parte facitis: facitis enim illud fieri permittendo. Quid enim est Ricardus de Kyrkeham vestræ magnitudinis respectu? Nunquid non ipse est vestri respectu ut avicula[4] parvula? Vos ipsius, ut[5] aquila? Vulgo dicitur, "Nunquid aquila capit muscas?" non est gloriosa aquilæ præda talis; gloriosa tamen et magna est araneæ, quam tamen prædam venari non posset nisi per retia invisibilia muscæ. Hujusmodi

Rom. xii. 19.

Isai. xiv. 13, 14.

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[1] *vindicta*] vindictam, C.C.C., Ox.
[2] *ulciscuntur*] ulciscimur, C.C.C.
[3] *est*] om. C.C.C., Ox.; C.C.C$_2$. has *vero* for *enim*.
[4] *avicula*] a vincl̄a, C.C.C.
[5] *ut*] et, C.C.C.

retia dicto magistro, ut audivimus, contexta sunt, et posita ad ipsum illaqueandum[1]; non enim contra ipsum proceditur per vias manifestas justitiæ, sed per occultas machinationes fraudulentæ versutiæ; quas dilecti filii Thomas[a] archidiaconus Lincolniensis et Joannes de Crachale vobis poterunt exponere.

[a] Thomas Wallensis.

Præcipit Dominus per Moysen, quod justum est non quocunque modo, sed juste exequi; et in omnibus agendis apud omnes sapientes est regula fixa, quod primo proponendus est finis bonus vel optimus; deinde, investiganda est via rectissima quæ directissime ducit ad finem propositum; et tunc per eam inventam, et nullo modo per aliam, ad propositum finem incedendum. Si enim via sit tortuosa, inæqualis, et lubrica, vel finis, fovea profunda; nonne necesse est incedentem aut in progressu aut in fine ruere in præcipitium? Non decet igitur tantos viros, sicut nec expedit, per tales vias aut semitas incedere, etiamsi ad finem bonum intenderetur; teste enim Propheta: *Rectæ viæ Domini, et justi ambulabunt in eis.* Hos. xiv. 10.
Et iterum alius Propheta: *Semita justi recta est,* Isai. xxvi. 7.
rectus callis justi: nec enim est per malum ad bonum etiam tendendum; est enim eorum justa damnatio qui dicunt, Faciamus mala, ut veniant bona. Etsi enim dicatur in justo bello non referre utrum aperte vel per insidias perveniatur ad victoriam, nihil attinet ad nostram rationem: possunt enim esse insidiæ non malæ et absque peccato, imo etiam justæ; quales erant insidiæ quas tetendit Josue habitatoribus Hai. Jos. viii. 4.
Tollatur igitur hoc malum de medio gloriæ vestræ; absit enim ut sitis vel dicamini *textores telarum aranearum,* Isai. lix. 5.
tensores pedicarum et decipularum, fossores lacuum et fovearum: quia *qui fodit foveam, incidit in eam:* Prov. xxvi. 27.
nec dicatis hæc per vos non fieri; si enim, ut supra tactum est, per vestros fiunt hujusmodi, quos a talibus cohibere debetis et potestis, si tamen vestri sint, pro-

[1] *illaqueandum*] laqueandum, C.C.C.

culdubio vos ipsi horum causa estis; gubernator enim causa est eversionis[1] navis, cujus, si vellet, posset esse causa salutis. Hæc igitur præscripta, filii mei carissimi, quos, cum adjutorio Ipsius qui ex dilectione etiam pro inimicis mori voluit, semper diligam non solum paterno affectu sed et materno qui tenerior est, filialis dilectionis affectu suscipere curetis. In hoc enim vere filios, non alienos vel degeneres vos probabitis, si paternas has correptiones, suasiones, obsecrationes, et etiam preces supplices filialiter sustinueritis, aure audiendi audieritis et exaudieritis: nec reputabitur factum, quod ad has paternas voces fuerit filiali humilitate correctum. Si vero eas ex intimis medullis paternæ dilectionis et compassionis erutas repuleritis, cui potest in dubium verti quod patrem non diligitis affectu filiali, ac per hoc, secundum quod inprimis dictum est, posteriores effecti non solum jumentis, sed et posterioribus ipsis? Longe sit hoc a viris tam eminentis sapientiæ, tam puræ intelligentiæ, tam præclaræ scientiæ, tam circumspectæ prudentiæ: sed dirigat vos in agendis omnibus prudentia ad finem bonum per viam rectam; provehat vos scientia ad legendum in omnibus creaturarum speciebus, quasi in quibusdam literarum apicibus, Creatorem trinum et unum; conjungat vos intelligentia angelicis spiritibus, ut secundum possibilitatem humanam imitemini conversationem angelicam; superferat vos sapientia in ipsam simplicem Deitatem, ut purgato mentis oculo ab omni rei materialis concupiscentia, ipsam lucem primam, in qua in se visa videntur omnia, cujus etiam visio est æterna vita, pure et irreverberate contemplemini.

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[1] *eversionis*] aversionis, C.C.C.

XCI.

Robertus Dei gratia Lincolniensis Episcopus, dilectis in Christo filiis decano et capitulo Lincolniæ salutem, gratiam, et benedictionem. 1240?

Rescripsistis nobis quasi pro competenti responso, quod ad mandatum domini regis, per nos, ut vobis videbatur, impetratum accessistis ad ipsum cito post festum Omnium Sanctorum, et quod nobis audientibus ex parte vestra et capituli Lincolniensis protestatum fuit coram eo, quod nec prohibitionem suam nec aliquam aliam intendebatis prosequi contra nos coram eo causam. Fatemur quidem quod impetravimus citationem ad citandum vos et capitulum Lincolniense, ut certo die compareretis in curia domini regis ad prosequendam dictam prohibitionem; quia nisi sic citaremini, curia regis dictam prohibitionem non revocaret. Vos tamen et capitulum Lincolniense peroptime nostis, quod ad talem citationem non habebatis necesse comparere, nisi dictam prohibitionem in curia domini regis prosequi velletis. Satis autem recolimus supradictam protestationem ex parte vestra et prædicti capituli factam, quæ vos et capitulum evidentissime redarguit, cum in oculis mundi facto prosequamini quod verbis vos prosequi denegatis: ex quo nos etiam plurimum verecundamur et dolemus, velut habentes filios, qui ex *ejusdem fontis foramine dulcem* educunt *et amaram aquam.* Assignatis insuper velut pro responso, quod dominus rex vobis præfixit diem ut [1] inter nos et vos de pace tractaret, quasi ob id solum jam pluries ad curiam accessistis. [2] Sed quis ignorat ad vestram seu capituli seu saltem quorundam

On the conduct of the dean and chapter with respect to the royal prohibition

S. Jac. iii. 11.

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[1] *ut*] et, C.C.C. | [2] *accessistis*] accessissetis, Ox.

de capitulo procurationem et instantiam erga dominum regem et suos hoc esse factum, ut sub tali pallio causæ decisio prorogetur, et effectus tam literarum vestrarum quam nostrarum, quibus efficaciæ certum tempus est præfinitum, evanescat et annulletur? Quis[1] etiam ignorat quod per hæc et hujusmodi contra utramque conventionem inter nos communiter initam, bona fide observari firmatam, manifestissime, ne dicam non bona fide, venitur? Nonne dictarum conventionum fœdus his et consimilibus rumpentes merito connumerandi

Rom. i. 31, 32.

sunt inter eos quos vocat Apostolus homines *sine affectione, absque fœdere,* quos *dignos* dicit *morte*? et *non solum eos qui talia faciunt sed etiam qui consentiunt facientibus?* Præterea, si, sicut insinuatis, solum pro pace inter nos et vos reformanda ad curiam domini regis accessistis; quare cum ibidem præsentes fuimus, nec minimam super hoc mentionem nobis fecistis? Venistis etiam, ut scribitis, cum literis procuratoriis[2] tantum ad tractandum de pace: quod si ita est, quare dictas literas nobis non ostendistis? Quæ tamen, si tales sunt quales vos eas esse asseritis, quid aliud sunt quam velamen argutæ protelationis temporis, cum potestatem vobis non tribuant[3] formandæ pacis?

They have violated the promises contained in their sealed documents: how can they be trusted in future?

Præterea literis aliquibus capituli Lincolniensis sigillo signatis qualiter fidem aliquam de cætero adhibere possemus, cum literis super ultima conventione inter nos inita suo sigillo signatis præfatum contradicat capitulum? In calce autem literarum vestrarum videmini quosdam suggillare, quasi hucusque pacem inter nos præpedierint; aut forte scientes quod non in hac causa aliorum tam leviter trahimur consilio, nos ipsos sub illorum nomine cautius tangere voluistis. Rogamus itaque vestram discretionem ut palam dicatis quam pacem, Deo et hominibus acceptabilem, sacræ Scrip-

[1] *Quis*] Quid, C.C.C., Ox.
[2] *procuratoriis*] procuratorum, Ox.
[3] *tribuant*] tribuantur, Ox.

turæ et canonicis institutis consonam, animarumque saluti convenientem, nobis unquam obtuleritis; aut si talem oblatam nos unquam recusaverimus. Hæc itaque ad vestra responsa respondemus ad præsens, vos ex caritatis affectu et paterna dilectione iterato exhortantes, monentes, et firmius et districtius injungentes, quatinus ea quæ in literis prioribus vobis injunximus ad salutem animæ vestræ et aliorum quorum curam nobiscum geritis, effectui mancipare solicite curetis. Nos enim in hoc negotio aliud non intendimus, nisi, sicut ex Scripturæ præceptis tenemur, ministerium episcopale pro modulo nostro conari perficere, animas a diaboli laqueis eripere et Domino Jesu Christo reddere: in cujus ministerii complementum tam vos quam alii omnes et singuli de vestro capitulo vocati estis, et esse debetis, coadjutores, et non impeditores. Memores igitur ejus quod dicit Apostolus, *Si nosmetipsos judicaremus, non utique judicaremur*, dijudicet unusquisque vestrum seipsum; utrum videlicet prædictum in hac parte fideliter persolverit debitum; ne forte in extremo die inventus non solvisse, *ligatis manibus et pedibus mittatur in carcerem et tenebras exteriores*, unde *non exibit donec ultimum quadrantem persolverit*. Valete.

What rational peace have they ever offered, or he refused?

1 Cor. xi. 31.

S. Matt. xxii. 13.; v. 26.

XCII.

Robertus, Dei gratia Lincolniensis Episcopus, dilectis in Christo filiis decano et capitulo Lincolniæ salutem, gratiam, et benedictionem. 1240?

Non scimus ex integro cur toties ad curiam domini regis acceditis: vehementer tamen suspicamur quod causa accessus vestri tam frequentis ad[1] dictam curiam,

He suspects that the dean and chap-

[1] *ad*] om. C.C.C.

ter wish to get the matter transferred from an ecclesiastical to a civil tribunal, by which they would incur excommunication.

Concil. Oxon. 1222. Wilkins, i. p. 585.

est, ut procuretis apud[1] dominum regem quod ipse non revocet prohibitionem, qua judicibus nostris inhibuit ne in causa inter nos et capitulum nostrum mota procedant; ac ut per consequens procuretis[2] per laicam et secularem potestatem impediri ne[3] dicta causa in foro ecclesiastico tractetur et terminetur: quod si ita sit, manifeste vinculo excommunicationis innodati estis: in Oxoniensi namque Concilio excommunicati sunt "omnes qui per malitiam ecclesiarum libertates "infringere vel perturbare contendunt:" secundum ecclesiasticam autem libertatem prædicta causa tota, et secundum singulas sui partes, in foro ecclesiastico tractari debet et terminari; quod vestram latere non potest discretionem. Procurantes igitur ne dicta causa in foro ecclesiastico tractetur et terminetur, ecclesiasticam libertatem infringere vel perturbare contendunt, et sic prædicti Concilii sententiam incurrunt: nec potestis allegare quod illud[4] non facitis malitiose; quia malitiose facit qui scienter et prudenter injustum facit. Vestra autem, ut supra tetigimus, discretio bene novit quod supradictæ causæ decisio secundum ecclesiasticam libertatem ad forum pertinet ecclesiasticum. Præterea posito quod hujusmodi regia prohibitio esset consueta, sicut revera non est, sed per malitiosas suggestiones domini regis innocentiam astute circumvenientes nunc primo obtenta, nihilominus excommunicati essent hujusmodi prohibitionis impetratores, et ea in enervationem ecclesiasticæ libertatis utentes, et ne revocetur procurantes; cum in decretali epistola excommunicati sunt, qui servari fecerunt etiam consuetudines introductas contra ecclesiæ libertatem. Quanto magis Deo et hominibus sunt abominabiles execrandi, qui nova procurant, ut ecclesiasticam libertatem perturbent?

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[1] *apud*] ad, C.C.C.; erga, Ox.
[2] *procuretis*] percurretis, C.C.C.
[3] Ox. inserts *in*.
[4] *illud*] id, si id faciatis, Ox.: C.C.C. has been corrected to what is given above.

Si autem prædicta sic se habeant, quid expectat vos, vel vos quid expectare potestis, nisi id *Væ* quod repromittit Dominus per Isaiam, *his qui descendunt in* Isai. xxxi. 1. *Ægyptum ad auxilium, in equis sperantes et habentes fiduciam super quadrigis, quia multæ sunt, et super equitibus, quia prævalidi nimis; et non sunt confisi super Sanctum Israelis, et Dominum non requisierunt.* Ægyptus enim mundus est et secularis potestas, ad cujus vos, si prædicta sic sint, confugitis auxilium, descendentes ab Hierusalem, hoc est, ab ecclesiastico vos subtrahentes judicio, *non confisi super Sanctum Israelis*, super quem si confideritis, ecclesiasticum judicium in his quæ ad ecclesiasticum spectant examen, nunquam effugere curaretis. Ad hæc, bene recolitis vos inspectis sacrosanctis jurasse, quod formam super processu dictæ causæ, in quam consensimus communiter apud Thame, bona fide observaretis; quod etiam quidam de confratribus vestris ibidem tunc præsentes, in animas omnium et singulorum de capitulo similiter juraverunt. Rogamus igitur quod vestra nobis coram Deo et angelis ejus respondeat conscientia, utrum ab his de capitulo qui prædictam prohibitionem impetraverunt, aut ne revocetur procurant, dictum juramentum bona fide et absque fraude sit observatum. Quia igitur animæ vestræ et omnium et [1] singulorum capituli nostri curam et solicitudinem paternam gerimus, vos quanta possumus affectione paterna monemus et exhortamur in Domino, et quantum possumus auctoritate episcopali, licet nobis indignis desuper attributa, districtius inhibemus, ne quicquam de cætero, maxime prædictam tangens causam, in ecclesiasticæ libertatis enervationem per vos aut per quosquam alios apud dominum regem aut suos aut quosquam alios quoquo modo procuretis; omnibus et singulis capituli vestri

[1] *et*] om. C.C.C.

eadem sub districtione, prædicta vice et auctoritate nostra, necnon etiam et auctoritate vestra qui nobiscum curam salutis eorundem geritis, firmiter injungentes; ne vos vel ipsi, quod absit, in excommunicationis seu perjurii seu utriusque, quod pejus esset, et malorum ex his sequentium incidatis periculum, et sic *viventes* et hoc etiam scientes et prudentes *descendatis ad infernum.* Et quia perpetratum malum non est coram Deo venia dignum, nisi pro viribus eorum, qui perpetrarunt, revocetur et corrigatur, vos exhortamur et monemus, ac firmiter vobis injungimus, quatinus si quid a vobis in detrimentum ecclesiasticæ libertatis, maxime causam tangens prædictam, hucusque factum est, illud absque moræ dispendio pro viribus vestris revocari procuretis; monentes, exhortantes, et injungentes omnibus et singulis capituli vestri, quatinus et ipsi, si quid consimile in casu prædicto[1] attemptaverint, illud revocari similiter satagant. Valete.

Num. xvi. 30.

XCIII.

124? [a] Robert de Hertford.

Robertus, Dei gratia Lincolniensis Episcopus, dilectis sibi in Christo, Decano[a] *et Capitulo Sarum, salutem et sincerum in Domino caritatis augmentum.*

He assures the dean and chapter of Sarum, who have urged him to consent to peace

Rogastis nos et obsecrastis ad pacem inter nos et capitulum nostrum reformandam ut[2] faciles nos exhiberemus; noverit autem vestra dilectio quod pacem super omnia ardenter affectamus, (quia, secundum Augustinum, pax multipliciter dicta est; et est non omnis pax vera et honesta, sed aliqua turpis et falsa,)

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[1] *casu prædicto*] causa prædicta, Brown.

[2] *ut*] om. C.C.C.

sed illam quæ secundum eundem est "ordinis tranquillitas;" in qua tranquille inferiora superioribus subsunt et obtemperant, paria paribus parilitatem non invident, superiora inferioribus, sibi nil imminuendo, bonitatum influentias largiuntur. Ad hanc pacem, præstante *Ipso qui est pax nostra, qui fecit utraque unum*, semper faciles erimus: nec credimus vos, tantæ discretionis viros, pro alia pace nos rogare; cum in alia pace aliqua non possit inveniri, nisi vera veri ordinis turbatio[1], aut veræ inordinationis non vera sed momentanea et fantastica quietatio, aut inordinationis et conturbationis simul commixta confusio. Valeatis &c.

with his own chapter, that he always desires peace, but a true, not a false one.

Eph. ii. 14.

S. Aug. De Civitate Dei xxi. 13. Opp. vii. p. 556.

XCIV.

Robertus, Dei gratia Lincolniensis Episcopus, dilectis in Christo filiis Decano et Capitulo Lincolniæ salutem, gratiam, et benedictionem. 1241 ?

In principio literæ vestræ promittitis verba pacis in spiritu mansuetudinis et dilectionis: det ipse Deus pacis quod ima non discrepent primis: consequenter verba facitis de laude pacis et ipsius desiderio; sed cum multipliciter dicatur pax, teste Augustino, utinam desiderium, cujus mentionem facitis, sit illius pacis quæ est secundum illum "tranquillitas ordinis," in qua inferiora superioribus obedienter obtemperant in omnibus; quæ superiora a divinæ legis influentia suscipiunt ut inferioribus influant: laus enim illa quam insinuastis, non potest esse nisi dictæ pacis. Insinuatis insuper velut conquerentes, vos per contrarium pacis expertos esse nescio quid gravitatis: scimus autem quod supradictæ pacis contrarium non potest

On the conduct of the dean and chapter.

[1] *turbatio*] perturbatio, Ox.

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esse veraciter[1] nisi grave et malum; et justum est ut turbationem sentiat et gravitatem, qui prædictæ pacis tranquillam renuit et suavem lenitatem; secundum poetam autem,

Ovid. Heroid. Epist. v. 7. "Leniter [a] ex merito quicquid patiare ferendum est."

Omnis autem pacis sub pace prædicta non comprehensæ contrarium non potest esse nisi honestum et bonum; cum omnis pax altera turpis sit et inhonesta; licet *sapientibus non quæ Dei sunt,* sed quæ *concupiscentiæ carnis et concupiscentiæ oculorum et superbiæ hujus vitæ,* aliter[2] videatur. (S. Matt. xvi. 23. 1 S. Joh. ii. 16.) Secundum philosophum[a] enim unicuique videtur bonum seu malum quod[3] animi sui consonat vel discordat habitui; sicut unusquisque judicat de saporibus secundum instrumenti gustativi dispositiones. (a Aristotle. Ethic. Eudem. vii. 2, 7.) Si itaque per contrarium alicujus pacis, sub prædicta pace non contentæ, sentimus nos aut vos molestiam pœnalem et gravamen, laudemus Deum, gratias agentes et non remurmurantes; qui in hoc fecit nobiscum misericordiam suam, dignificans nos ad sui imitationem et suorum imitatorum similitudinem, gravia et molesta pro bono recipere: sustinentibus enim pro tali talia, regnum cælorum indubitanter promittitur.

Interseritis quoque quod necesse habetis nobis[4] displicere et, licet inviti et coacti, nos offendere; insinuantes quod viam honestam et causam hoc declinandi non invenitis. Si mali sumus, necesse habetis, boni existentes, vestris bonis operibus a vestra bonitate procedentibus nobis displicere nosque offendere, nec est via aut causa hoc declinandi; necessario enim bonis mala bonaque malis displicent, eosque offendunt: si autem utrique mali sumus, necesse est nos utrosque

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[1] *veraciter*] om. Brown.
[2] C.C.C. inserts *autem.*
[3] *quod*] om. C.C.C.
[4] *nobis*] nobiscum, C.C.C.

utrisque displicere, et nos ad invicem mutuo offendere; sicut enim[1] flexuosum flexuoso, sic malum[2] malo convenire non potest. Si vero vos mali, nos autem boni, veraciter necesse habetis nobis displicere et nos offendere tales existentes; sed est hic via hoc declinandi, conversio scilicet a malitia in bonitatem; bonus autem bonum nequaquam potest offendere, aut alter alteri displicere; quia similia non in privationibus sed in rerum existentiis sibi necessario consonant, congaudent, et complacent: sequitur igitur ex vestro sermone, nisi plurimum fallamur, quod aut alter nostrum aut utrique mali sumus.

He justifies his excommunication of their proctor Nicholas.

Deinde increpatis nos quod sententiam excommunicationis in Magistrum Nicholaum, socium vestrum et capituli vestri procuratorem, tulimus, ut dicitis præpropere; asserentes insuper ipsum tantum ad appellandum datum fuisse procuratorem. Ad quæ taliter respondemus; videlicet, quod dictus magister coram nostris clericis in judicio constitutus protulit et legit, deinde clerici nostri inspexerunt et legerunt, generalem procurationem[3] nomine dicti capituli conceptam, in qua etiam continebatur clausula hæc, scilicet, judicatum solvi pro eo promittimus; quo magistro postea contumaciter recedente, nos volentes vobis parcere, ipsius contumaciam puniendam decrevimus. Fundata est itaque super falsum vestra increpatio; unde et vos non immerito plurimum increpandi estis, qui patrem vestrum apud plures, quasi verum esset, sicut[4] patet per literæ vestræ tenorem, irreverenter diffamatis; cujus verenda, etiamsi denudata essent, cooperire deberetis. Præterea, velut graviter ferendum insinuatis, quod dictum magistrum excommunicavimus; cum ta-

[1] *enim*] om. Ox.

[2] *malum*] om. C.C.C., Ox.

[3] *procurationem*] procuratorem, C.C.C.

[4] *sicut*] om. C.C.C.

men ob prædictam causam hoc fecimus; et velut per hoc futurum sit pacis reformationem impediri, nostra canitis voce sonora; imo non nostra, sed quæ nostra fingitis, vestra penitus reticentes. Nunquid non ad memoriam reducere deberetis quod post diem pacis inter nos captum sub forma, quam bene recolunt qui præsentes tunc aderant, totis conatibus per magistrum Odonem[a] in curia domini regis vos estis prosecuti, literis regiis per vos de novo impetratis, ibidem justitiariis porrectis? Graviter fertis quod vestrum cleri[a] cum prædicta causa excommunicavimus, et super hoc nos increpatis; cum vos tamen in contemptum nostri, sicut per evidentia signa patet, omnino, ut credimus, injuste decanum nostrum in nullo vobis subjectum excommunicare non erubuistis. *Justa* debet esse *statera*, et utrarumque partium meritis in utrisque lancibus fideliter dispositis, qui præponderent dijudicari. In calce autem literarum vestrarum insinuatis vos timere, quod nostra dura et inaudita compellent vos, quale nolletis, contra nos remedium quærere. Si nostra dura et inaudita dicitis clerici vestri excommunicationem, quomodo estis magni tam parvum tam magnipendentes? Magnus enim[1] animus non nisi vere magna magnipendit. Si autem sunt alia, rogamus ea nobis per vos explicari; duritiem enim, favente Domino, nisi contra vitia servare nolemus; remedium autem cujus mentionem facitis, si vere remedium est, morbi alicujus curativum est; hujusmodi remedii quæsitio non nos terrebit, sed magis lætificabit; quia cujuscunque quemcunque morbum curari desideramus. Si autem sit, sub specie pharmaci curativi, quicquam mortiferum, id quærere veraciter non expedit, sicut in litera vestra id expedire non proponitis; credimus autem illud remedium veraciter

[a] Odo de Kilkenny.

Levit. xix. 36.

[1] C.C.C. inserts *est.*

vobis non expedire, nobis tamen expediens fore, juvante Domino, plurimum; illud enim remedium non credimus aliud quam ad monachos Cantuarienses refugium, sub quibus dicentibus, *Incurvare ut transeamus*, si semel incurvati fueritis, non erigemini cum volueritis. Nunquid tam sapientium virorum est tanta in patrem insurgendi libido, non quærentem, aut se quærere non credentem nisi filiorum salutem, ut velint[1] sibi ipsis ambos oculos eruere, ut patri auferatur unus aut forte nullus? Vultis non dominorum servi fieri, ut non sitis patris filii? Ut patri propinetis amarum, salubre tamen, pharmacum, vultis vos ipsi haurire venenum? Quid enim facient nobis Cantuarienses monachi, nisi quod pro justæ causæ et utilitatis communis defensione, nos, modis quibus poterunt, tribulabunt? Quæ tribulatio, juvante Domino, nobis licet amara, salubris tamen potio, ægritudinis curatio, salutis adeptio, visus clarificatio, fracturæ consolidatio, debilitatis corroboratio, et nostræ imperfectionis perfectio: vobis autem, si per vos adveniat vel promoveatur, in contraria prædictorum omnium convertetur. Non igitur nobis debet esse pro nobis vestrum, quod minamini, remedium terroris causa, sed consolationis; pro vobis tamen quos sicut filios diligimus, tale remedium, quod vobis esse non potest nisi detrimentum, abhorremus; et volentes, ut possumus vestro obsistere mortifero vobis remedio, vobis pro certo significamus, quod si a dictis monachis quicquam impetretis, vel ad eorum mandatum in quemquam quicquam attemptetis, per totam diœcesim nostram vos publice excommunicatos denunciari faciemus. Valete.

He will excommunicate them if they appeal to the monks of Canterbury.

Isai. li. 23.

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[1] *velint*] videlicet, C.C.C.

XCV.

1242? *Robertus, Dei gratia Lincolniensis Episcopus, dilectis in Christo filiis Decano et Capitulo Lincolniæ salutem, gratiam, et benedictionem.*

He asks the co-operation of the dean and chapter against the present hostile attack on Lincoln.

Muri fortitudo et civium ad muri propugnacula prudens, fortis, et indefessa defensio hostes arcent et reiciunt confusos, salvantque civitatem; et si forte murus sit debilis, adsit autem virorum fortium defensio infatigabilis, non accidet de facili civitatem hostium insultu periclitari: si autem murus fortibus careat defensoribus, quantumcunque fortis videatur, vix aut nullatenus diu poterit hostium repellere incursus; muro autem diruto ab hostibus, quæ spes salutis restat civibus? Ingruente igitur hostilitate salus civitatis speranda est ex magnanimorum civium animosa et indefessa repulsione hostium.

Subitam et inopinatam hostilitatis irruptionem adversus civitatem, cujus vos estis cives et ego murus, licet debilis et infirmus, satis nostis. Cum igitur civis quilibet, si vere civis est et non degener, pro civitatis salute non solum quoquo modo affectet, sed et ferventer æstuet, semetipsum impendere; speramus, sicut et sperare debemus, vos omnes et singulos, quos cives credimus non degeneres, sed ingenuos, fortes, et magnanimos, pro civitatis vestræ salute in præsenti hostilitate hostibus fortiter vosmet oppositūros; quodque quanto consideratis in civitatis vestræ muro plus debilitatis, quantoque si prævalerent hostes, quod absit, gravius dispendium civitatis, tanto fortius ad muri et civitatis defensionem vos accingetis, et quia

"Non nocet admisso subdere calcar equo,"[1]

vos affectu quanto possumus rogamus, exhortamur, et

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[1] Ovid. Epist. ex Ponto, lib. 2, vi. 38, where *nil* for *non*.

obsecramus, quatinus in his quæ prædicta contingunt, vos esse cives ingenuos, fortes, et magnanimos ostendatis; ne vel nota aliqua vobis possit impingi ab his quæ tantos decent cives alicujus ex parte aliqua exorbitationis[1]. Rogamus attentius quatinus de processu habendo contra prætactos hostes vestrum expresse nobis significetis consilium; sicut alias per literas nostras vos rogasse meminimus. Valete.

XCVI.

Venerabili in Christo patri Hugoni[a], *Dei gratia Eliensi Episcopo, Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et sincerum in Domino caritatis augmentum.* 1242? [a] Hugh de Norwold.

Scribit[2] Salamon in Parabolis, quod *omni tempore diligit qui amicus est, et frater in angustiis comprobatur*[3]; fraternitatis autem et amicitiæ comprobatio operis est exhibitio. Qui igitur angustiarum tempore non subvenit cum possit, evidenter se nec veraciter fratrem nec veracem amicum ostendit; sed, sicut in Ecclesiastico scribitur: *Est amicus secundum tempus suum, et non permanet in die tribulationis.* Eo igitur quod in die tribulationis non permanet, non omni tempore diligere convincitur; ac per hoc, ex supradicta Salamonis sententia asserentis omni tempore amicum diligere, non verus amicus comprobatur. Nostis autem me nunc non immerito in summis fore constituendum angustiis, si causam salutis animarum, pro qua tantum et tam anxie laboravi, per absentiam judicis ad unicum diem deperire penitus et evanescere contingat. Cum igitur possitis ad unici verbi jussum præsentiam judicis procurare, nisi hoc feceritis, vosmetipsi judicetis an ex prædictis auctenticis et veridicis

Prov. xvii. 17.

He entreats Hugo not to destroy his suit by allowing the absence of one of the judges.

Ecclus. vi. 8.

[1] *exorbitationis*] exhortationis, Ox.

[2] Ox. inserts *enim*.

[3] *comprobatur*] om. C.C.C., Ox.

verbis veraciter sequatur, vos veracem amicum veracemque fratrem mihi non esse. Absit autem ut tantus prælatus, qui toties verbis, scriptis, et factis se amicum monstravit, tam leviter non solum rem sed et nomen amittat fraternitatis et amicitiæ. Sed forte dicetis, jacturam temporalium vos timere: quis sapiens, si oporteat de duobus bonis majus vel minus bonum amittere, non citius eligit minoris boni jacturam quam majoris? Omnia autem bona temporalia parvulæ amicitiæ particulæ comparari non possunt: melior est enim non solum sapientia, sed amicitia, cunctis pretiosissimis opibus, et omne desiderabile non valet ei comparari. Nec est omnino nobis in hac parte vel minima temporalium timenda jactura, cum paratus sim, et omni modo volo, vobis plenam præstare securitatem de conservando vos et Magistrum Ricardum de Kyrkeham indemnes. Credere non possum, sicut nec debeo, quod in hoc necessitatis articulo mihi vestro deesse volueritis; sed forte probare me voluistis an fictus essem causæ meæ prosecutor. Si enim vos dimitterem antequam mihi benediceretis in jubendo magistro Ricardo[1] ut suam præsentiam ad diem meum exhiberet, evidenter agnosceretis me ficte et non ex corde hucusque egisse. Nunc ergo cum mea importuna instantia sufficiens debeat vobis argumentum esse quod ex toto corde dictam prosequar causam, jubeat vestra caritas dicto magistro ut ad diem meum accedat. Supportastis me per dictum Magistrum Ricardum in causa mea hucusque; si igitur nunc me in fine dimittatis, quid aliud facitis quam me per vos velut jam in portu existentem, in mare reicitis? Causa enim est periculi, secundum philosophos, qui, cum potest, non est causa salutis. Præterea scriptum est, quod in die Judicii
Sap. v. 1. *stabunt justi in magna constantia adversus eos qui se angustiaverunt et qui abstulerunt labores eorum.*

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[1] *Ricardo*] E., MSS.

Spero autem me licet peccatorem, dicto die, divina misericordia, inter justos fore resuscitandum: unde timere non immerito poteritis, quod tunc oportebit me in magna constantia adversus vos stare, si me angustiaveritis et labores meos abstuleritis; quod evidenter facturi estis si meam petitionem non expleveritis. Valete in Domino: perturbate, sed veraciter tamen, scribo ex perturbato animo, nuncio meo redeunte vacuo in tanto et tam anxio necessitatis articulo.

XCVII.

Robertus, Dei gratia Lincolniensis Episcopus, dilecto sibi in Christo Magistro Ricardo de Kyrkeham, salutem et sincerum in Domino caritatis augmentum. 1242 ?

Rogatis quod ex parte vestra absentia non offendar: quis non offenditur cum confunditur? Vestra absentia si foret, mea foret summa confusio, et ideo non immerito summa offensio. Allegatis timorem ex insidiis: videat imprimis vestra discretio si is sit timor, qui in virum tantum debet cadere; præsertim cum et de vestris et maxime de meis contra omnes insidias salvum potestis, favente Domino, conductum habere. Præterea nec dominus vester[a] nec vos damnum debet in hac parte timere, cum securos vos utrosque omni modo volo facere de conservando vos in hac parte omnino indemnes. Inspectis etiam literis missis domino vestro, ut habeat vos die litis meæ apud Westmonasterium, scio quod nullam[1] habet ex tenore literarum illarum necessitatem vos ad dictum diem dicto loco habere. Præterea figmentum est quorundam quos

An entreaty to R. de Kirkham not to absent himself, as this would be the ruin of his cause.

[a] *i.e.* the Bishop of Ely, v. p. 298.

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[1] *nullam*] nulla, C.C.C.

nominare nolo, quod fingunt de ponendis vobis insidiis, et de capiendo seu detinendo vos, ut sic vos timere faciant, *ubi* veraciter *timor non est;* scio enim[1] veraciter quod fictores illi pro decem milibus libris auri non haberent cor tam audax quod in vos manum mitterent vel mitti facerent; et ut omnis tollatur timor, mitto vobis sufficientem conductum usque ad Davyntre, ubi, dante Domino, me invenietis paratum in propria persona vos, juvante Domino, salvo conducere salvoque reducere; veniatis igitur secure, viriliter agentes; alioquin, ut supra dixi, et me perpetuo confundetis, et vos apud bonos et graves, ut verum fatear, famam vestram plurimum denigrabitis, et Dei indignationem proculdubio incurretis, causam ipsius nulla[2] ratione compulsi deserendo, opposita his malis bona, si viriliter egeritis, adepturi. Valete.

Ps. lii. 6.

XCVIII.

1242?

Venerabili in Christo patri Waltero[a], *Dei gratia Episcopo Wigorniensi, Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et sincerum in Domino caritatis augmentum.*

[a] Walter de Cantilupe.

He calls on the Bishop, as judge, to show the zeal no less than the meekness of Moses towards his adversaries.

Legimus de Moyse, quod ipse erat mitissimus hominum qui habitabant in terra, et quod tanto[3] fervore caritatis populum sibi commissum diligebat, ut oraret Dominum, *seipsum de libro quem Dominus scripserat*, hoc est, de libro vitæ, *deleri*, ut peccatum vituli conflatilis populo dimitti: hæc tamen mansuetudinis præeminentia et dilectionis inexplicabilis[4] prærogativa manum ipsius non retraxit a populi peccantis

[1] *enim*] om. C.C.C.

[2] *nulla*] in illa, C.C.C.

[3] *tanto*] quanto, C.C.C.

[4] *inexplicabilis*] explicabilis, C.C.C., Ox.

justa et condigna pœna: sed licet in spiritus mansuetudine et dilectionis superfervido calore, in fortitudinis tamen non relaxato robore, cum filiis Levi iens et rediens de porta usque ad portam per medium castrorum occidit die uno tria[1] milia hominum qui in vituli conflationem consenserant: in quo facto filii Levi *manus suas consecraverunt Domino, et data est eis benedictio.* Vos itaque estis qui Moysis personam geritis inter nos et filios nostros carissimos, nostros tamen adversarios, judicis fungentes officio; consideret igitur Moysis discretio et subtiliter dijudicet, si dicti adversarii, licet filii nostri, velut vitulum non conflaverint, et velut pro Deo non adoraverint; dum conventionum et bonæ fidei promissionum veritate et sacramenti religione relictis, tot frivolas exceptiones et appellationes, tot figmentorum cavillationes, tot diffugia illicita in ignem ardentis desiderii quocunque modo se defendendi congesserunt et coadjuvaverunt, et velut ex his vitulum[2] conflatilem pro vera defensione excoluerunt. Numquid itaque zelus Moysis poterit non percutere in gladio omnes hujusmodi conflatores, et velut idoli pro veritate, ac sic pro Deo qui veritas est, cultores et adoratores? Numquid non *manus suas consecrabit ut benedictionem accipiat,* in ore gladii tales occidendo? Proculdubio veraciter Moyses non erit, cujus manum in hac parte mansuetudo seu amor vel aliud quicquam retraxerit; sed timere poterit quod scriptum est, *Maledictus qui prohibet gladium suum a sanguine.* Numquid non Heli sacerdos reprobatus est et condemnatus, eo quod filios delinquentes nimis remisse corripuit? Numquid non vos vicem sacerdotis et patris ad nostros adversarios sicut et ad nos geritis? Omnino quidem geritis dum vice et auctoritate fungimini summi Pontificis. Saul reprobatus est et regia dignitate privatus, quia regi *Agag et optimis gregibus*

Exod. xxxii. 32, 28, 29.

Jer. xlviii. 10.

1 Sam. xv. 9.

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[1] *tria*] viginti tria, in Exod. | [2] *vitulum*] unum, C.C.C., Ox.

ovium et armentorum et his quæ pulchra erant, pepercit. Non igitur parcendum est iniquitati; quin sicut præceptum est Sauli, universa percutiatur et interficiatur in ore gladii, quantumcunque fuerint, qui iniquitatem faciunt, dignitate, potentia, divitiis, vel scientiarum pulchritudine præditi; ne qui parcit, cum Saule depereat. Cum igitur, sicut nuper vobis scribendo tetigimus, adversarii nostri velut finaliter in sua perdurent multiplicata nimium et aggravata contumacia, nec ultra hunc diem litis relinquatur nobis potestas punitionis, ostendat se ad hunc diem Moysis virilitas et fortitudo, non Heli aut Saulis remissio. Nec ista scribimus velut vos de remissione arguentes, sed sicut nuper per literam nostram vobis insinuavimus, velut "admisso calcar subdentes:" absit enim a vobis, ut qui fortiter incepistis etiam fortia regiæ prohibitionis repagula, velut aranearum fila, dirumpentes, in fine remissi inveniremini; violenti namque motus et præter naturam facti, in principio sunt fortes, in fine autem omnino remissi; naturales vero motus econverso in principio remissiores, in fine autem fortissimi. Naturam vos imitari decet, non violentiam. Valeat paternitas vestra semper in Domino.

Ovid. u. s. p. 296.

XCIX.

1242?

Venerabili in Christo patri Waltero[a], *Dei gratia Wigorniensi Episcopo, Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et sincerum in Domino caritatis augmentum.*

[a] Walter de Cantilupe.

Advice to the bishop of Worcester as to his going across the sea with the king.

Intimavit nobis ex parte dilectionis vestræ dilectus clericus noster Magister Leonardus, quod nostrum desideratis audire consilium, utrum videlicet transeundum sit vobis cum domino rege in partes transmarinas usque ad certum terminum, ad tractandum solummodo de pace inter ipsum et suos adversarios, et hoc ad ex-

pensas ejusdem, vel non. Novit autem vestra discretio, quod secundum philosophorum assertionem consiliatio consistit in prudenti secundum probabilissimas conjecturas investigatione, et adinventione electioneque viæ quæ directius efficaciusque ducit ad finem aliquid bonum vel optimum propositum: finis autem propositus et intentus proprie, principaliter, et maxime a constituto[1] in episcopali officio, salus est æterna ovium a pastore summo Domino Jesu Christo curæ ipsius commissarum. Nostra igitur consiliatio, vel alicujus veracis consiliatoris altera esse non poterit, nisi ut, consideratis utrimque[2] secundum rationabiles conjecturas accidentibus, illa tandem pars eligatur, quæ secundum magis rationabiles conjecturationes magis expedire videtur saluti animarum curæ vestræ commissarum, seu potius simpliciter saluti animarum. Tota igitur consiliatio in hac parte ex hoc dependet, ut videlicet exquisitissime investigetur, quantum fieri poterit secundum rationabiles conjecturas, utrum ex vestro transitu cum prædictis conditionibus, vel ex vestra mora cum vestræ curæ commissis ovibus plus videatur accidere salus animarum. Cum igitur nostra in talibus inexperientia nesciat hinc inde secundum probabiles conjecturas accidentia prudenter conicere[3]; neque forte, etiamsi hinc inde secundum probabiles conjecturas futura sciremus conicere[3], nosset nostra imprudentia prudenter prospicere quæ ex utraque parte accidentia plus viderentur rationabiliter saluti animarum conferre; qualiter possemus in hac parte vobis consilium dare? Quia autem vos sicut et nos desideramus[4] in omnibus prospere et quæ Domini accepta sunt voluntati peragere, si vestra possemus

[1] C.C.C. inserts *et*.
[2] *utrimque*] utrumque, C.C.C.
[3] *conicere*] convicere, C.C.C.
[4] *desideramus*] consideramus, C.C.C.

in Domino frui jocunda et desiderata præsentia, libentissime super his vobiscum diligentissime tractaremus; cum per mutuam collationem multa sæpe pateant, quæ per se divisim disquirentes omnino latent. Cum vero non possimus præsentialiter[1] ad præsens convenire; affectet autem nostra affectio, licet tepida, vestris negotiis tanquam nostris propriis, cum omni qua possumus diligentia ad Dei beneplacitum expediendis, intendere, et frater Ada de Marisco, qui vos in Domino sincere diligit, virque sapiens est et prudens et zelo salutis animarum fervens, ad nos, ut speramus, in hac instanti solennitate Paschali sit accessurus, cum quo poterimus, si tamen vobis ita videatur, super prædictis habere collationem; vos rogamus quatinus quæ utrinque in prædicto negotio accidentia vosmetipsi conicitis, qui nimirum diligentius et efficacius circa hæc cogitastis, nobis rescribatis, ut, habito cum prædicto fratre Adamo super eisdem diligentiori tractatu, vobis possimus, consultius non dico in hac parte consulere, sed quid nobis videatur, respondere. Valeat paternitas vestra in Domino.

C.

1242? *Robertus, Dei gratia Lincolniensis Episcopus, dilectis sibi in Christo, fratri Matthæo Priori provinciali, et diffinitoribus capituli provincialis fratrum prædictorum Angliæ, salutem, et sincerum in Domino caritatis augmentum.*

Prov. iii. 28. He complains of delay in the sending two

Scriptum est, *Ne dicas amico tuo, vade et revertere, et cras dabo tibi, cum statim possis dare;* in quo manifeste ostenditur, quod dationis dilatio est dati immoratio, ac per hoc econtrario, temporanea et oppor-

[1] MS. Oxon. has lost two leaves here.

tuna largitio muneris est augmentatio; quæ si fiat ex animo prompto et benevolo, est etiam divinæ dilectionis adquisitio; testante Apostolo, qui dicit *hilarem datorem diligit Deus.* Vos itaque qui estis sicut rota quam vidit Ezechiel, non solum alio exterius impellente, sed interiori spiritus vitæ inclinatione ad omne bonum volubiles, decet vestras largitiones non ultra quam convenit protrahere; et maxime, cum ipsa dilatio in salutis animarum vergat detrimentum. De largitate et liberalitate vestra reputamus nos accipere, licet id habeamus a domini Papæ privilegio et concessione, quod duos de fratribus vestris debeamus nobiscum commorantes habere in nostri ministerii complendi adjutorium. Ne igitur vestri muneris plenitudo, Deique erga nos dilectio, dilatione et quasi quadam retinentia[1] tribuendi muneris minoretur, salus quoque animarum minus efficiatur, vos rogamus quam sincera et devota possumus affectione, quatinus de cætero sic nobis providere curetis de fratribus nobiscum moraturis, ut vestræ largitionis hilaris promptitudo donum vestrum et cætera prædicta adaugeat; nec credimus nobis vel vobis expedire, nec saluti animarum prodesse, [ut sit] fratrum nobiscum commorari debentium tam frequens quam hucusque fuit commutatio; cum de novo supervenientes minus sint exercitati et assuefacti in his quæ[2] ad ministerii nostri supplementum oportet eos peragere. Supplicamus insuper omni devotione quatinus in orationibus vestris mei peccatoris memores esse dignemini. Valeat paternitas vestra in Domino.

Dominicans to attend him. He hopes they will be changed less frequently.

2 Cor. ix. 7.

Ezech. i. 20.

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[1] *retinentia*] renitentia, MSS. | [2] *quæ*] qui, C.C.C.

CI.

1242? *Excellentissimo Domino suo Henrico, Dei gratia illustri Regi Angliæ, Domino Hiberniæ, Duci Normanniæ, Aquitaniæ, et Comiti Andegaviæ, devotus suus Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et quam debitam tam devotam cum sincera dilectione reverentiam.*

He defends himself from the charge of neglect of the king.

Super eo quod statum vestræ dominationis et dominæ reginæ prolisque vestræ, quem prosperum sibique acceptum conservet in æternum Dominus, nobis significare, et de nostro solicite requirere voluistis, gratiarum actiones referimus quam possumus devotas et affectuosas. Ad id vero quod nobis scripsistis, quod si de statu vestro eam quam vos de nostro geritis solicitudinem gereremus, non credere non valetis quin per personam nostram propriam aut per intervenientem status vestri certitudinem vellemus plenius explorare; respondemus secundum philosophum,[a] quod lex veri amoris, qui res est plena solicitudinis et solicitæ explorationis si cuncta apud amatum sint prospera, hoc habet in se, quod amator verus ad amatum prosperis fortunatum non de facili nisi vocatus accedit; si autem audiat eum quem diligit adversitatibus arctatum, advenit prompte non vocatus, ut dilectum consoletur, juvet quoque et laboret pro viribus, sua et se impendens pro dilecti[1] relevatione; et propter hoc in prosperis non cognoscitur amicus; quia prosperitati, quæ non videtur expetere nisi applausum, plus plerumque applaudunt blanditores quam veri amatores. Adversitas vero hoc habet de præcipuis bonis unum, quod prædicto signo blanditores discernit ab amatoribus. Ad

[a] Aristotle Ethic. Eudem. vii. 2, 34 seqq.

[1] *dilecti*] dulci, Brown.

Job prosperatum et in regni sedentem solio non venerunt tres amici sui; ad leprosum vero, omni privatum temporali bono et sedentem in sterquilinio prompte convenerunt non vocati. Non est igitur argumentum imminutæ[1] dilectionis et solicitudinis de vobis, quod ad vos, (benedictus Deus, agentes prospere; quod et novimus sufficienter ex certa, non tamen ex publicata, exploratione, quæ longe stat extra fines veræ amicitiæ) non accessimus in propria persona; sed forte, si subtilius hoc discutiatur, magis invenietur argumentum contrarii; verus enim amor placere non quærit, sed prodesse; nec ostentare quasi dilectionis signa, quæ veris amatoribus et fictis consueverunt esse communia. Sed forte dicet aliquis, quod licet secundum legem dilectionis supersederi possit ab accessu personali, non tamen secundum legem superiori debitæ venerationis; cui respondemus consentientes cum ipso, quod omnis reverentia et honor superiori debetur et Domino; quæ[2] tamen suum habent *tempus*, sicut, secundum Salamonem, *habent omnia;* nec credimus nos tempus conveniens prætermisisse; cum, si conferantur ad invicem corporis nostri debilitas et negotiorum ecclesiasticorum nobis injunctorum urgentia, quæ dilationem non capiunt, et regia pietas intermitti nollet, apparebit omnino nostrum corporalem ad regiam majestatem venerandam accessum, in tempus expletionis eorundem quod, favente Domino, in brevi erit convenientius, fuisse differendum; cum etiam regis temporalis sit honor, si Regis æterni opera ipsius occasione non retardentur; et licet verecundum sit sua enarrare, cogimur tamen cum Paulo quasi insipienter vestræ serenitati de nobismet dicere, quod veram et non fictam de vestra salute temporali et æterna gerimus solici-

Eccles. iii. 1.

2 Cor. xi. 17.

[1] *imminutæ*] imminente, C.C.C.: the Cotton MS. had *invictæ*.

[2] *quæ*] qui, C.C.C.

tudinem, desiderantes pro ipsa vobiscum collaborare non solum *per bonam famam*, sed *per infamiam*; non solum *per gloriam*, sed *per ignobilitatem*; et ut ad unum comprehendamus, non per confrui vobiscum vestris prosperis, sed per participare pro vestra salute vobiscum vestris adversis. Valeat dominatio vestra per tempora longiora.[1]

2 Cor. vi. 8.

CII.

1243. *Excellentissimo Domino suo Henrico, Dei gratia illustri Regi Angliæ, Domino Hiberniæ, Duci Normanniæ, Aquitaniæ, et Comiti Andegaviæ, devotus suus Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et quam debitam tam devotam cum sincera dilectione reverentiam.*

He has heard that the king has encouraged by a letter the rebellious party in the abbey of Bardney, and begs that any such royal letter may be recalled.

Audivimus excellentiam vestram Willelmo de Compton, custodi temporalium abbatiæ de Bardeney, præcepisse, quod inveniri faciat W.[a] quondam abbati de Bardeney et monachis de parte sua, omnia necessaria abundantius et melius quam parti adversæ; et quod permittat dictum quondam abbatem habere liberum ingressum et egressum in ecclesiam prædictam pro voluntate sua; quæ tamen præcepta de regia conscientia nunquam credendum est emanasse. Regia namque potestas, cum rex a recto dicatur regimine, non potest nisi rectum præcipere; filios autem patri suo rebelles, contumaces, et inobedientes subjectis et obedientibus præponere, quid aliud est quam *tenebras* præferre *luci, amarum dulci, et malum bono?* Filii carnales rebelles patribus et contumaces, secundum legem Moysi, ab universo populo fuerant lapidandi. Cum

[a] Walter de Beningworth.

Isa. v. 20. Deut. xxi. 21.

[1] *per tempora longiora*] etc., C.C.C.

igitur majoris sit nexus spiritalis cognatio quam carnalis, ac per hoc obedientiæ patri spiritali debitæ violatio gravius punienda; quis in hujusmodi contumaces non potius excandescet in pœnam, quam favore eos eriget in ampliorem contumaciam? Quod si dicat quis quod juste patri rebellant, nec hoc a quoquam de facili præsumendum, saltem donec discussum fuerit per ecclesiasticum judicium. Præterea quos excludit[1] ab ingressu domus Domini ordinaria potestas ecclesiastica, sive juste sive injuste hoc factum fuerit, nunquid potestas non ecclesiastica, quantacunque fuerit, sua auctoritate inducet in domum Domini, præsertim cum hujusmodi facti ad hujusmodi potestatem nequaquam spectet judicium? Quod si etiam ex devotione quantacunque attemptaret potestas hujusmodi, quid aliud faceret quam cum Oza, quod supra ipsum erat præsumente, *manum ad archam Domini extenderet?* 2 Sam. vi. 6, 7.
Propter quod, licet id ex quadam devotione egerit, *indignatione iræ Dei percussus juxta archam* continuo interiit. Longissime absint hujusmodi a vestra dilectissima[2] dominatione. Supplicamus igitur omni qua possumus affectione, quatinus pro reverentia et dilectione Jesu Christi, qui sicut, secundum Apostolum, in 1 S. Pet. i. 11.
prælatis per ipsos loquitur, sic et cætera in ipsis per ipsos operatur, unde, ut ipse testatur, et Ipse in ipsis susceptis seu spretis suscipitur et spernitur, si aliqua litera a vestra fuerit dominatione per surreptionem obtenta, talia præcipiens qualia supradicta sunt, eam curet regalis excellentia revocare. Valeat dominatio vestra per tempora longiora.

[1] *excludit*] includit, C.C.C. | [2] *dilectissima*] directissima, C.C.C.

CIII.

1243? *Excellentissimæ Dominæ suæ Alionoræ, Dei gratia illustri Reginæ Angliæ, Dominæ Hiberniæ, Ducissæ Normanniæ, Aquitaniæ, et Comitissæ Andegaviæ, devotus suus Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et quam debitam tam devotam cum sincera dilectione reverentiam.*

He begs the queen to persuade the king to cut off the new causes of disturbance.

Ecclus. xxvi. 21.

Scriptum est in libro Sapientiæ: *Sicut sol oriens mundo in altissimis Dei, sic mulieris bonæ species in ornamentis domus suæ;* sol autem[1] oriens mundo tenebrarum propellit horrorem, luminis inducit jocundam suavitatem, nocturnos timores et turbulentias abigit, securitatem et tranquillitatem tribuit, et ut brevi sermone comprehendamus plurima, quicquid naturaliter in hoc mundo visibili viret, viget, et proficit, hoc ex radiorum solis orientis mundo vitali confotione naturaliter suscipit. Igitur vestræ benignitatis, bonitatis, et virtutis[2] decorem et speciem in ornamentis domus vestræ, quæ specialiter est ecclesia et regnum Angliæ, similia oportet soli orienti efficere; horrorem errorum dissuadendo, veritatem suggerendo, ut optata cunctis mortalibus pacis tranquillitate sacerdotium et regnum perfruantur, prudentissime procurando in qua vireant, vigeant, et proficiant usque ad perfectum; sacerdotio igitur, clero et etiam populo regni Angliæ his temporibus quasi noctis tenebrosis horroribus plurimum turbatis, causis quas longum esset vobis scribere, quas dilectus clericus noster, lator præsentium, vobis melius poterit, si placet, voce viva monstrare; nunc locus est et tempus, ut vestra, quam prædiximus, species suam

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[1] *mundo . . . autem*] om. C.C.C$_2$.; C.C.C. has this in margin, but omits *autem*.

[2] *virtutis*] virtutem, C.C.C.

promat refulgentiam, domino regi, si placet, suadendo, ut ipse, sicut regiam decet majestatem, exortas turbationum novas causas resecet, nec repullulare de cætero permittat; sed *in solio judicii residens*, sicut de rege bono scriptum est, *omne malum intuitu suo dissipet;* quod enim ipse ad vestram suasionem fecerit, vos per ipsum in ipso facietis. Ad instar igitur Hester, optimæ, sanctissimæ, prudentissimæque reginæ, populum suum morti ex decreto regio addictum de morte liberantis, non solum populum, sed et clerum et sacerdotium regni Angliæ de insolitis et novis angustiis per vestram apud dominum regem instantiam liberare curetis. Valeat serenitas vestra semper in Domino.

Prov. xx. 8.

CIV.

1240?

Venerabili in Christo patri Othoni, Dei gratia Sancti Nicholai in Carcere Tulliano Diacono Cardinali, Apostolicæ sedis legato, Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem, et quam debitam tam devotam in omnibus obedientiam et reverentiam.

He fears that Otho is offended at him.

Rediens ad nos a vestræ paternitatis præsentia magister S. de Ardene, clericus noster, retulit nobis se quædam a vobis audivisse, unde non modicum timuit vestræ consuetæ dilectionis erga nos serenitatem obfuscatam fuisse. Quod si verum esset, plurimum inde doleremus, sicut et deberemus; novimus enim quod serena et suavis dilectionis vestræ super nos irradiatio nostræ tenebrositatis est purgatio, frigiditatis calefactio, mortificationis vivificatio, sterilitatis ad fructificationem reductio. Sunt insuper radiorum sinceræ dilectionis spicula adversarias potestates et earum conatus dissipantia. Quomodo igitur non doleremus, si tantis bonis nos privatos esse sentiremus? Sed quicquid dictus

clericus noster de verbis vestris conceperit, credere non possumus, quod vestræ caritatis sinceritas erga nos sit immutata; præsertim cum, in quantum dictat nobis nostra conscientia, non meruerimus eam erga nos immutari; sciamusque quod vestræ sanctitatis discretio non libenter audit linguas detrahentes, nec facile credit malignorum susurris; sed *sepit aures suas spinis* ne audiat sanguinem detractionis: et vultum prætendit tristem, ut audaciam deterreat susurronis. Scimus etiam quod vestra satis novit discretio, nos plurimos offendere qui omnibus procurant versutiis et astutiis, ut per se vel per mediatores in aures vestras de nobis instillent sinistra; ut sic obfuscata erga nos vestra dilectione, ac per hoc nobis privatis vestra protectione, ipsi liberius valeant in nos insurgere et licentius in suis vitiis sordescere. Quomodo igitur, his consideratis, possemus credere vestræ dilectionis vultum immutatum esse? Maxime cum sciamus vos tam arte quam experientia nosse nullum ab accusatore cujusquam persuaderi debere, non audita prius adversa parte. Tetigit autem dictus clericus noster quod misimus ad vos aliquotiens, vobis tamen non scribentes, tanquam ex vestri contemptu hoc præsumpsissemus. De contemptu autem vestræ paternitatis, coram Deo et angelis ejus nos excusamus, et secundum notitiam quam *spiritus hominis qui est in homine* habet de ipso homine, novimus nos de hoc immunes esse;[1] nec recolimus quod quisquam ad vos sine nostris literis a nobis fuerit missus, nisi quod prædictus clericus noster nobis dixit, quod vos ex parte nostra rogavit, quatinus gratiam priori de Davintre[a] intuitu nostri faceretis; qui clericus non ob hoc principaliter, sed ob alia negotia fuerat tunc missus; cui tamen, in recessu suo a nobis ad instantiam dicti prioris[2], ut vobis pro eo

Ecclus. xxviii. 28.

1 Cor. ii. 11.

[a] Nicholas de Ely.

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[1] C.C.C. inserts *contrarium* in the margin.
[2] *prioris*] priori, C.C.C.

supplicaret, injunxeramus, tempus scribendi tunc competens non habentes; sive autem in his, sive in aliis, vestram offenderimus paternitatem, semper devote et humiliter veniam petimus, parati ad omnem satisfactionem, supplicantes quam devote possumus et attente, quatinus semper erga nos vestra crescat dilectio, sicut expetit[1] dilectionis natura et ordo. Testante namque Scriptura, *Amicus fidelis fortis est protectio*, cui *nulla est comparatio*, nec *digna auri et argenti ponderatio;* cum qui invenit illum, invenit thesaurum, et ipse sit *vitæ et immortalitatis medicamentum.* Valeat sancta paternitas vestra per tempora longiora.

Ecclus. vi. 14, 15, 16.

CV.

1240.

Venerabili in Christo patri Othoni, Dei gratia Sancti Nicholai in Carcere Tulliano Diacono Cardinali, Apostolicæ sedis legato, Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et quam debitam devotum in omnibus obedientiam et reverentiam.

He asks Otho, who is going to Rome, for his good offices with the Pope, that he may be excused from being present at the council shortly to be held.

Ex relatione dilecti in Christo filii magistri R., intelleximus quod vestræ paternitatis sanctitas disponit iter arripere versus curiam Romanam ante instans festum Circumcisionis Dominicæ. Utinam nos possemus vestri itineris et laboris esse socii, ut mereamur participes fieri consolationis et præmii; desideremus enim hoc plurimum, si nobis esset possibile propter complendam pro modulo nostro obedientiam debitam sanctæ Romanæ ecclesiæ, et propter exhibendas reverentiam et honorationem debitas eidem, et specialiter vestræ dilectissimæ in Domino personæ. Sed cum tanti itineris pondus non sinat nos portare corporis nostri infirmitas, nec ad vestram personaliter ad præsens accedere præsentiam temporis brevitas, ut saltem usque ad mare

[1] *expetit*] expedit, C.C.C.

vos comitaremur et omni digna tanto patre veneratione prosèqueremur, vestræ paternitatis clementiam[1] quanta possumus affectione supplicamus, quatinus et absentiam nostram non voluntariam, sed necessariam, instantis celebratione Concilii erga dominum Papam excusare dignemini, et nos velitis habere excusatos super eo quod ad vestram nunc non accedimus præsentiam, non uno tantum, sed pluribus obstantibus præpediti. Et quia quod per nos ipsos non possumus, saltem per alium sicut possumus complere desideramus, ad vestræ mittimus paternitatis sanctitatem prædictum R. clericum vestrum et nostrum, ut ipse vos usque ad mare saltem comitetur, supplicantes obnixe ut tantillum ipsius obsequium dignum ducatis admittere. Super omnia autem vestram exoramus serenissimam caritatem, quatinus erga nos concepta ab initio nostræ cognitionis mutuæ specialis dilectio, quam evidenter probavit pluries operum exhibitio, secundum dilectionis
1 Cor. xiii. 10. naturam continuum capiat incrementum, donec *venerit quod perfectum est;* ipsa enim vestræ dilectionis specialitas erit nobis in adversis fulcimentum ne nostram infirmitatem adversa deprimant; et in prosperis pondus, ne nostram levitatem prospera extollant; erit quoque nobis in tristitiis lætitia, in doloribus consolatio, in angustiis dilatatio, in laboribus repausatio, in amaritudinibus dulcedo, in tenebrosis illuminatio, in locorum distantia animorum conjunctio, in omni tandem defectu et imperfectione nostra quæ plurima est, ad complementum et perfectionem revocatio. Speramus autem firmissime, imo scimus certissime, quod vestræ paternitatis sanctitas non privabit nos tantorum bonorum munere, præsertim cum donantis thesaurus non noverit ex hoc quicquam imminui, sed plurimum augmentum[2] suscipere. Valeat sancta paternitas vestra per tempora longiora.

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[1] *clementiam*] clementiæ, C.C.C. | [2] *augmentum*] argumentum, C.C.C.

CVI.

Viro venerabili magistro Martino, domini Papæ Camerario et Nuncio, Robertus, Dei gratia Lincolniensis Episcopus, salutem et sinceram in Domino dilectionem. 1244?

Literas vestras super facto vicariæ de Pincebec recepimus; in quarum fine continebatur quod super hoc vobis nostræ intentionis propositum et consilium rescriberemus. Desiderantes itaque pro modulo nostro domini Papæ et vestrum honorem illibatum conservare, a fine incipientes id parum consilii, quod novimus in hac parte, vobis rescribimus; primo supponentes cum philosopho,[a] consilium esse quod posito et præfixo fine optimo viam adinvenit rectissimam, ac per hoc optimam, per quam ad propositum finem pertingitur. Scimus autem domini Papæ sanctitatem, idem de vobis credentes, in sibi desuper credito[1] ministerio, omnium suorum factorum finem præfigere salutem animarum; cumque ipsius sanctitas Spiritu clarescat septiformi ac per hoc spiritu consilii, ad finem propositum pertingere desiderat ductu itineris rectissimi. Non potest autem in summo prælato neque in vobis, summi prælati nuncio, dici rectum, nisi quod fuerit non solum a malo sed etiam *ab omni specie mali* segregatum; ne habeant subjecti quid vere vel apparenter in tanti speculi puritate possint notare reprehensibile. Nostræ igitur parvitatis consilium est in hac parte, ut primo a domino Papa et deinceps a vobis excludatur omne reprehensibile, quod factorum vestrorum primo publicetis auctoritatem, saltem his quos facta vestra contingunt, ut non videamini transgredi illud mandatum beati Petri: *Non dominantes in clero, sed forma facta gregi ex animo;* consequenter, ut si in auctoritate

Advises Martin to excommunicate those who ill-treated his envoys in the churchyard of Pinchbeck, but to hear what the prior of Spalding and Bernard have to say.

[a] Aristotle Ethic. Nicomach. vi. 9, 4.

1 Thess. v. 22.

1 Pet. v. 3.

[1] *credito*] om. C.C.C.

vestra aliquid sit insertum quod possit videri minus rationabile, illud studeat vestra discretio evidenti necessitate rationis[1] excusare. Tertio, ut siqui mandatis vestris rationabilibus inveniantur rebelles, prius agatur cum eis ratione quam potestate; cum tunc primo exserenda sit vis potestatis, cum adversarius non vincitur vi ratiocinationis; hoc enim ordine et ipse Salvator adversus adversarium in nostræ reparationis opere processit.

Hæc est igitur ad præsens in generali nostri summa consilii, quatinus eos qui in cœmeterio de Pincebec in vestros nuncios manus temere violentas injecerunt, publice ac solenniter denunciari faciatis excommunicatos; specialiter autem in hoc negotio vobis consulimus, quatinus cum prior[a] de Spalding et magister Bernardus ad vestram accesserint præsentiam, eos eorumque privilegia et super factis sibi impositis responsiones favorabiliter audiatis, et eos rationabiliter pertractetis; cum nemo sit condemnandus adversæ partis, quantumcunque rationabili assertione, nisi audita prius ipsius defensione; cumque dicta vicaria multarum habeat curam animarum, et tam de necessitate salutis earum quam de jure requirat vicarium in ea continue personaliter residentem; possitque dominus Papa providere quibus voluerit in rectoriis curam talem non habentibus, propter ipsius et vestri nominis famam conservandam illæsam, *cum melius sit nomen bonum quam unguenta pretiosa*, consulimus quatinus reservantes collationi[2] domini Papæ aliquam ecclesiam de patronatu dicti prioris, permittatis eidem ad dictam vicariam idoneum præsentare. Vos insuper humiliter et devote rogamus, quatinus relaxantes nobis ad præsens dicti prioris et magistri Bernardi citationem veniendi ad vos infra decem dies post nostram citationem, cum propter aliquas speciales rationes, quas

[a] Simon de Hauteburge.

Eccles. vii. 2.

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[1] *rationis*] om. C.C.C. | [2] *collationi*] collationem, C.C.C.

modo subticemus, nobis esset grave dictam citationem facere, eos per literas vestras aut per alium ad vestram præsentiam evocetis. Valete.

CVII.

Robertus, Dei gratia Lincolniensis Episcopus, dilecto in Christo filio Archidiacono tali salutem, gratiam, et benedictionem. 1244?

A circular to his archdeacons on the conduct of the priests in their several archdeaconries.

Ex relatu fide digno audivimus, quod plurimi sacerdotes archidiaconatus vestri, *Deum non timentes nec homines reverentes*, horas canonicas aut non dicunt, aut corrupte dicunt, et id quod dicunt, sine omni devotione aut devotionis signo, imo magis cum evidenti ostensione animi indevoti dicunt; nec horam observant in dicendo, quæ commodior sit parochianis ad audiendum divina, sed quæ eorum plus consonat libidinosæ desidiæ. Habent insuper suas focarias, quod etsi nos et nostros lateat cum inquisitionem super hujusmodi fieri facimus, his, per quos fiunt inquisitiones, perjuria non timentibus, non debet tamen vos sic latere, qui præsentialiter super eos tam per vos quam per decanos et bedellos vestros continue vigilare tenemini. Faciunt etiam, ut audivimus, clerici ludos quos vocant miracula[1]; et alios ludos quos vocant Inductionem Maii, sive[2] Autumni; et laici scotales; quod nullo modo vos latere posset, si vestra prudentia super his diligenter inquireret. Sunt autem quidam rectores et vicarii et sacerdotes, qui[3] non solum audire fastidiunt prædicationes fratrum utriusque ordinis, sed, sicut possunt, ne audiat eos populus prædicantes, aut eis confiteatur,[4] malitiose præpediunt; admittunt etiam ut dicitur,

S. Luc. xviii. 4.

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[1] *miracula*] om. C.C.C.; blank in $C.C.C._2$.
[2] *sive*] festum, Brown.
[3] *qui*] non, C.C.C.
[4] MS. Ox. begins again.

prædicatores quæstuarios ad prædicandum, qui solum talia prædicant qualia nummum melius extrahunt; cum tamen nos nullum quæstuarium licentiemus ad prædicandum; sed solum concedimus, ut per sacerdotes parochiales eorum negotium simpliciter exponatur. Quia igitur vos estis Judas Machabæus, debentes templum Domini ab omni inquinatione purgare, non enerviter, sed viriliter et fortiter, ad ejus imitationem in his et hujusmodi agentes; nos autem vicem tenemus senis Mattathiæ filio præcipientis de zelo observationis legum paternarum et de fortiter pugnando contra legum divinarum adversarios; vos in Domino monemus, exhortamur, et firmiter injungimus, quatinus ad prædicta et his similia purganda vos *sicut vir accingatis*, prælia Domini fortiter præliantes, et inordinata prædicta et similia ad ordinem reducentes, compellendo sacerdotes ad debite peragendum divina obsequia, ad focarias expellendum, ad inducendum efficaciter populum, ut fratrum utriusque ordinis prædicationes devote et attente audiat, eisque humiliter confiteatur; ad non admittendum quæstuarios ad prædicandum; miracula etiam et ludos supra nominatos et scotales, quod est in vestra potestate facili, omnino exterminetis; et cohabitationem Christianorum cum Judæis quantum vobis possibile est, impedire curetis. Valeat sancta paternitas, etc.

1 Macc. ii. 50.

Job. xxxviii. 3.

CVIII.

Viris venerabilibus Abbati[a] *et Conventui Sancti Benedicti Floriacensis, Robertus, Dei gratia Lincolniensis Episcopus, salutem et sincerum in Domino caritatis augmentum.*

[a] Johannes I.

Remonstrates with the abbat and con-

Regulam beati Benedicti, quæ supereminentis est sanctitatis, professi estis; ad suam autem solennem professionem observandam professum teneri, ac per hoc

ex voluntate et deliberatione[1] eam transgredientes mortaliter peccare, nulli dubium est. Secundum autem doctrinam Apostoli, *non solum qui* mortalia *faciunt, sed etiam qui consentiunt facientibus*, digni sunt morte; consentiunt autem etiam illi qui cum possunt malum impedire, non impediunt. Cum igitur ad vos dictæ regulæ professores pertinet singulos monachorum vestrorum sic informare, ut non solum quam professi sunt, sciant, sed et secundum illam vivant, nec aliquem de vestro emittere collegio, donec ex longa consuetudine vivendi secundum regulam, versa sit ei conversatio regularis in habitum; sicque possitis, ne criminosus sit aliquis ex vobis et maxime manifestus, efficere; quomodo cum hoc non efficitis non estis[2] *digni morte?* Id autem vos non efficere, nobis et publice in partibus nostris est manifestum; mittitis enim tales ex vobis ad cellam de Menting in nostra diœcesi constitutam, qui luxuriose cum meretricibus vivunt, proprietarii, inobedientes, comessationibus et ebrietatibus jocisque vacantes, etiam quarta feria carnes comedere non erubescentes. Etsi igitur vestra conversatio sit in vestro collegio non discrepans ab ea quam professi estis regula; in hoc tamen quod prædictum est, non[3] parva posita est *in gloria*[4] *vestra*, sed turpis et notabilis valde *macula*. Emisimus autem a cella prædicta fratrem Philippum super fornicatione, proprietate, inobedientia, vagabundo discursu, carnium contra regulam comestione, judicialiter convictum. Theobaldum vero et Walrandum et Girardum consimiliter quia proprietarii, intolerabiliter inobedientes, vagabundi, domos mulierculárum perscrutantes, ludis[5] illicitis plusquam seculares intenti, ut ad unum dica-

vent of Fleury for sending to their cell of Minting in his diocese certain immoral monks.

Rom. i. 32.

Ecclus. xlvii. 22.

v. Epist. 53. p. 168.

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[1] *deliberatione*] dilectione, C.C.C.
[2] *non estis*] om. C.C.C.
[3] *non*] quod, C.C.C.
[4] *gloria*] regula, Ox.
[5] *ludis*] laudis, C.C.C.

mus, regularis observantiæ tam manifesti et enormes transgressores, qui totius patriæ scandalum sunt et canticum. Cum enim de corpore vestro sint prædicti maculosi, non potest eorum macula totum, cujus sunt pars, non deformare. Conicitur etiam sæpe ex ægritudine partis, ægritudo in toto; videns enim pedem alicujus, cujus non conspicit faciem, aut corpus reliquum scabiosum vel leprosum, nonne facile judicat totum consimiliter infectum? Quid igitur mirum si ex scabiosis et leprosis prædictis consimile de vobis
Eph. v. 3. faciant multi judicium? Secundum Apostolum, *fornicatio aut immunditia* aut aliquod crimen non solum non esse, sed *nec nominari decet in vobis*[1]. Ipsa enim sola nominatio, et maxime quæ probabilem nacta est occasionem, lumen vestræ religionis tenebrosa obfuscat caligine; debet autem lux vestra sine caligine lucere, ut perspicue videatur in vobis, ab omnibus in vos contuentibus, omnium transitoriorum plenissimus contemptus, nulla in prosperis delectatio, nulla in adversis contristatio; sed magis in his, secundum
Rom. v. 3. Apostolum, gloriatio: macilentæ[2] et pallentes facies ex vigiliis et jejunio, ex lacrymarum frequenti profluvio in ipsis faciebus relicta signatio, orationis jugis continuatio, per humilitatem omnibus subjectio; per non contendere, nec repunire, nec recontristare quen-
S. Matt. v. 39. quam, sed *percutienti in maxilla dextra præbere et alteram*, evangelica perfectio[3].

Meminimus autem nos super hujusmodi vobis alias scripsisse, sperantes ex nostra scriptione hujusmodi morbo medelam præparasse; sed sicut accidit his qui medicis non obediunt, quod pharmacum utile vertitur eis in augmentum morbi vel mortem, sic nobis videtur vobis accidisse. Est enim morbus iste novissimus

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[1] *in vobis*] om. C.C.C.
[2] *macilentæ*] macilentas, C.C.C. and C.C.C.$_2$.
[3] *evangelica perfectio*] in evangelica perfectione, Brown.

pejor priore; more tamen medici multum compatientis ægroto, et ob hoc non desistentis a medicando, dum spes est aliqua convalescentiæ, vobis adhuc hanc pro medela rescribimus literam, rogantes et obsecrantes in Eo qui est verus et unicus medicus, Dominus noster Jesus Christus, quatinus eam ad medelam suscipiatis, eos qui hujusmodi sunt in vobis corrigentes, ne et coram hominibus pro eis non correctis sustineatis ignominiam, et a Deo æternam recipiatis in districto judicio condemnationem. Valete semper in Domino.

CIX.

Viris venerabilibus et in Christo carissimis, Dei gratia Abbati[a] *Cisterciensi et ejusdem loci Conventui, Robertus, eadem gratia Lincolniensis Episcopus, salutem et sincerum in Domino caritatis augmentum.* 1244?

[a] William de Monte-Acuto.

Respecting the house of the Minorites at Scarborough.

Receptis literis Apostolicis, continentibus quod ædificia[1] Fratrum Minorum de Scardeburge auctoritate earundem literarum faceremus demoliri, si ita se haberent quædam, sicut in prædictis literis se habere præscribebatur; auctoritate earum dictos fratres fecimus evocari; quibus per procuratorem legitime constitutum comparentibus coram officiario nostro, vices nostras in hac parte gerente, ad duas dies litis, propositoque ex parte eorum contra dictas literas quod erat in eis falsitas constructionis, ostensoque quodam privilegio continente ne possent Fratres Minores per literas Apostolicas conveniri, nisi de dicta indulgentia et ordine eorundem expressam facerent mentionem; et super his et aliis quibusdam pluribus habitis altercationibus, et

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[1] *quod ædificia*] apud beneficia, C.C.C.

tandem tertio die litis coram nobis pro tribunali sedentibus, per procuratorem legitime dictis fratribus comparentibus[1]; quidam de ordine dictorum fratrum verba proposuit hujusmodi, videlicet, quod licet videretur quod non obstante professione sua, sine culpa se possent in hac parte defendere, contendendo sub judice cum non pro rebus temporalibus, sed pro salute animarum ex eorum in dicto loco habitatione proveniente, decertare viderentur; liceretque pro salute animarum quæ legis et juris communis sunt non
S. Matt. xii. 3, 4. observare, sed magis contravenire, sicut legitur *David et qui cum eo erant* fecisse, *qui panes propositionis comederunt, quos* secundum legem *non licebat comedere*
1 Macc. ii. 40, 41. *nisi solis sacerdotibus;* et sicut de Machabæis legitur quod diebus Sabbatorum pro animabus suis pugnabant, qui prius secundum legis præceptum se in Sabbato
Act. xxv. 11. non pugnaturos decreverant; et sicut Paulus licet professor Evangelii procuravit se ab hostibus et morte, sibi intentata per armatos, liberari, Cæsaremque appellavit sub judice; tamen quia eorum professio, sicut idem frater asserebat, est Evangelium, quod præcipit
S. Matt. v. 39–41. *non resistere malo, sed percutienti in dexteram maxillam præbere et alteram; et volenti contendere tecum in judicio et tunicam tuam tollere, dimittere ei et pallium; et angarianti te mille passus, ire*
S. Matt. xvii. 26. *cum illo alia duo;* quodque iterum præcipit neminem scandalizare, Domino præceptum istud facto[2] proprio confirmante, qui pro se et Petro, licet istud non deberet, didragma[3] solvit, ne scandalizaret illud ex-
2 Tim. ii. 24. petentes; et quia secundum Apostoli doctrinam, *servum Dei non oportet litigare;* eodem astruente
1 Cor. vi. 7. omnino *delictum esse* in Corinthiis *quod judicia haberent inter se;* et increpante eosdem quod *non magis injuriam acciperent,* et quod *non magis*

[1] *comparentibus*] operientibus, C.C.C.

[2] *facto*] factum, C.C.C., Ox.

[3] C.C.C. inserts *non*.

fraudem paterentur; omnino liti[1] et loco prædicto, unde orta fuerat contentio, cedere voluerunt; ne vobis, quos habent sanctissimos patres et abundanter benefactores, vel minimum præberent offendiculum. Petiit etiam humiliter idem frater, ad terram coram procuratore vestro[2] cæterisque fratribus vestris tunc coram nobis præsentibus provolutus, veniam pro ordine suo super eo quod, ad duos prædictos dies litis, fratres sui[3] prædicti minus sano usi consilio, velut se defendendo, vestram offenderant caritatem. Procurator quoque dictorum fratrum de Scardeburge prædicta[4] ratificans, supradictis exceptioni et privilegio omnibusque[5] aliis defensionibus sibi in hac parte competentibus expresse renunciavit. Nos autem cum procuratore vestro et aliis fratribus vestris viris discretis tunc præsentibus considerantes, imo magis pro certo habentes, quod, si prædicti fratres de Scardeburge ab illo tunc recederent, sicut secundum assertionem dicti procuratoris eorum cum omni humilitate id incontinenti[6] facere parati erant, vestri ordinis honori non cederet, sed magis candorem famæ ipsius plurimum denigraret, et *in* Eccl. xlvii.
gloria ipsius maculam poneret notabilem, sicut vestra 22.
discretio absque nostra insinuatione evidenter potest perpendere, de consilio et consensu dictorum procuratoris vestri et fratrum, sustinuimus sæpedictos Fratres Minores de Scardeburge in ipso loco habitare, donec prædicta vobis insinuassemus, et super eorum mora in dicto loco vel recessu ab eodem, vestræ voluntatis expressum per literas vestras patentes susceperimus responsum. Valeat caritas vestra semper in Domino.

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[1] *liti*] leti, C.C.C.
[2] *vestro*] ultro, C.C.C.
[3] *sui*] suos, C.C.C., Ox.
[4] *prædicta*] predictam, Ox.
[5] *que*] et, C.C.C.
[6] *incontinenti*] inconvenienti, C.C.C.

CX.

1243. *Venerabili in Christo patri Othoni, Dei gratia Sancti Nicholai in Carcere Tulliano Diacono Cardinali, Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et quam debitam tam devotam in omnibus obedientiam et reverentiam.*

On the claim of the monks of Christ Church, Canterbury, to exercise archiepiscopal power while the see is vacant.

Nacta plenissime fiducia scribendi vestræ paternitati et nostras necessitates nude et aperte exponendi, tam ex eo quod nobis aliquando vestri gratia injunxistis, quod vobis in nostris necessitatibus confidenter scriberemus, quam ex piis misericordiæ visceribus, quæ novimus vos gerere super afflictos, vobis tanquam unico nostro refugio nostras pandimus necessitates.

Satis audivistis quomodo prior et conventus ecclesiæ Christi Cantuariæ, vacante nunc ultimo sede Cantuariensi, jurisdictionem et potestatem archiepiscopalem, quibus nunquam antea usi sunt, in episcopos et alios Cantuariensis provinciæ sibi vindicantes, in nos et quosdam alios de coepiscopis nostris sententias suspensionis et excommunicationis, etiam post appellationem ad sedem Apostolicam interpositam, ne in propria causa jus sibi dicerent, nec in nos vel nostros subditos quicquam attemptarent, cum parati essemus eis super prædictis coram competenti judice respondere, de facto fulminaverunt. Nos autem licet nullo modo credamus nos dictis sententiis aliquomodo ligatos; ne tamen aliquorum malignitas posset nobis hoc obicere, et exinde sermo Dei aliaque ad officium episcopale pertinentia minus per nos efficaciter administrarentur, dedimus cuidam procuratori nostro in mandatis, ut super hoc a domino Papa nobis competens impetraret remedium, qui ad dictos priorem et conventum literas Apostolicas impetravit, ut sententias quas in nos et subditos nostros tulerunt, infra octo dies a susceptione

See the letter of Innocent in Matt. Par. p. 605.

dictarum literarum, relaxarent ad cautelam; alioquin venerabiles patres archiepiscopus Eboracensis[a] et episcopus Dunelmensis[b] hoc facerent. Quia vero non solum nobis, sed et jurisperitis, videtur, quod per dictarum literarum usum non modicum posset nobis et toti provinciæ Cantuariensi generari præjudicium, eo quod dicti monachi assererent per dictarum literarum tenorem, et per factum relaxationis ab ipsis factæ, suam jurisdictionem quam vindicant, esse agnitam, et in toto vel in[1] parte approbatam, et se quasi possessionem illius[2] nactos, dictis literis uti distulimus. Supplicamus igitur omni devotione vestræ paternitati, quatinus domino Papæ supplicare dignemini, ut nobis convenientius et dignitati episcopali decentius[3] dignetur in hac parte providere remedium, non obstante prædicta impetratione a nostro procuratore facta; cum certissimum sit episcopos dictæ provinciæ, dicta sede vacante, semper immediate sedi Apostolicæ fuisse subjectos; et electos in[4] pontifices ejusdem provinciæ, tempore vacationis ejusdem sedis, a domino Papa fuisse confirmatos; quod tamen sæpedicti prior et conventus in hac proxima vacatione dictæ sedis Cantuariensis, in non modicum præjudicium sedis Apostolicæ, sibi usurpare conati sunt. Recogitet etiam, supplicamus, et domino Papæ suggerat vestra discretio quam periculosum est saluti animarum, si apud subditos auctoritas vilescat episcopalis, cum ex hoc necessario consequetur quod sacramenta per ipsos ministrata, quorum sacramentorum forma, virtus, et consummatio est pretiosissimus Jesu Christi sanguis et venerabilissima Ipsius passio, imo ipse Christus, minus sint apud subditos venerabilia; ac per hoc ipse Christus minus veneretur; prædicatio quoque ipsorum et cætera

[a] Walter Gray.

[b] Nicholas de Farnham.

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[1] *in*] om. C.C.C., Ox.

[2] *illius*] om. C.C.C.

[3] *decentius*] dicemus, C.C.C.

[4] *in*] et, C.C.C.

episcopalis officii ministeria contemnantur, et per hoc minoris, aut forte aliqua nullius efficaciæ inveniantur; cum restet omnino ea opera re[1] despici quæ ab operante despecto noscuntur actitari. Nonne merito vilescet plurimum dignitas episcopalis, (quæ tamen est maxima qua Christus homo usus est in terris; qua nec majorem gestat apex papalis, licet in hac locum obtineat summi verticis et plenitudinem potestatis; de qua plenitudine cæteri quod habent recipiunt;) si contra consuetum, nullo publicato privilegio hoc indulgente, sed sola violenta et insolenti usurpatione monachis subiciatur judicanda, quos secundum beatos Jeronimum et Dionisium, etiam subdiaconis in ordine hierarchiæ ecclesiasticæ cælestem hierarchiam imitantis, multo constat esse inferiores? Non enim quia in sacris ordinibus quidam ipsorum constituti sunt, ideo majores aut æquales clericis existimandi sunt, nedum episcopis; cum tantum clericis et episcopis tradita sit divinitus dispensatio ministeriorum divinorum ad populum; ad quam monachi, secundum antiquas paternarum traditionum sanctiones, nullatenus attingunt; nisi forte illorum aliquis, ex speciali Divinitatis munere, sapientia veritatis contemplandæ illustratus, et scientia impendendæ caritatis in proximos præditus, et honestate sanctæ conversationis approbatus, ex subjectione pœnitentiali simplicitatis monachicæ ad supremum honorem regiminis ecclesiastici canonice sublimetur.

Dionys. Areop. Epist. viii. Ad Demoph. Mon. Opp. ii. p. 113. ed. Cord.

Nec potest archiepiscopalis jurisdictio et potestas ad ipsos per tantum devolvi saltum, etiamsi ad inferius devolveretur, sed magis[2] ad episcopos archiepiscopi suffraganeos; ad quos archiepiscopus *Archon*, id est, princeps, est et dicitur; et per quorum mediationem suæ principalitatis in aliis exercet officium; cum jus naturæ et rationis ordo magis exigat virtutem capitis

[1] *re*] om. C.C.C.

[2] *magis*] om. C.C.C.

in propria, proxima, et principalia membra primo et immediate defluere, quam in distantia per plura media. Episcopi autem suffraganei sunt archiepiscopi membra propria, proxima, et principalia; monachi vero non similiter, sed pluribus interjectis mediis ab ipso sejuncta; licet enim concederetur quod monachorum conventus esset archiepiscopi proximum membrum, secundum quod ipse est suæ propriæ diœcesis episcopus, quod tamen non concedit, ut credimus, archidiaconus Cantuariensis, nullo tamen modo propter hoc sequeretur quod idem conventus esset ejusdem membrum proximum seu principale, secundum quod ipse est *Archon* episcoporum. His itaque, si placet, et hujusmodi, quæ vestra novit eminens prudentia plurimum efficaciora, non tam intuitu subveniendi nostræ propriæ instanti necessitati, quam pro ecclesiæ Anglicanæ utilitate communi, dignetur vestra paternitas domino Papæ suadere, quod episcoporum Angliæ tribulationi et multiplici oppressioni compatiens, remedium velit apponere; quia nisi, (non solum velut nutanti, sed fortiter in eam impingentibus tam secularis potestatis impulsibus et subditorum rebellionibus, quam subpeditare eam molientium tumultuosis et fraudulentis conatibus velut ruinam jam minanti,) episcopali auctoritati citius firmum supponatur fulcimentum, timetur, nec immerito, quod domus ecclesiæ Anglicanæ, super eam tanquam super columnam præcipuam ædificata, patebit in brevi concussioni non modicæ; et quia sufficit occasionem tantum dare sapienti, vobis ex divinæ largitionis munere præditis ingenii vivacis acrimonia, divinorum eloquiorum intelligentia, utriusque juris peritia et diserti sermonis facundia et in negotiis ecclesiasticis multiplici et diutina experientia, de prædicto negotio plura non scribimus, ne videamur quasi facibus juvare solem; sed illud expediendum vestræ sæpius probatæ sinceris-

simæ confidenter committimus dilectioni. Valeat sancta paternitas vestra semper in Domino.

CXI.

1243. *Sanctissimo patri et domino Innocentio, Dei gratia summo Pontifici, Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, beatorum pedum oscula devotissima.*

In expressing his joy at the elevation of Innocent IV. to the popedom, he commends to his attention the businesses in charge of his agents.

Lam. i. 2.

Benedictus Deus, qui post tempestatem tranquillum faciens, et post lacrymationem et fletum exultationem infundens ecclesiæ suæ, jamdiu multarum et magnarum tribulationum et oppressionum procella vehementer impulsæ, et quasi viduæ factæ, ideoque velut *in nocte* tristitiæ *ploranti ut lacrymæ ejus in maxillis ejus* inundarent, providit de sponso lacrymas ipsius abstersuro, tristem consolaturo, ab oppressionibus sublevaturo, et tribulantibus ipsam defensionis clipeum oppondituro. Potiens itaque tanto talique sponso quæ quasi vidua jamdiu lugens sederat, merito exuit vestimentum viduitatis suæ, et induit se vestimentis suæ jocunditatis. Oves quæ, diu pastoris defensione carentes, jam prope erant ut vel a furibus abigerentur, vel a prædonibus raperentur, vel a lupis dilaniarentur, jam pastoris sui

S. Joh. x. 3, 4, 9.

nominatim ipsas vocantis vocem audiunt, educentem eas et præeuntem sequentes, pascua inventuræ, et sub virga regiminis et defensionis ejus diu desiderata quiete et securitate fruituræ. Hinc pastori summo domino Jesu Christo gratiarum actiones exsolvunt fideles ; hinc vox lætitiæ et exultationis in tabernaculis justorum ; hinc et ego vestræ sanctitatis servus, (licet minimus, pro modulo tamen meo affectione tota devotissimus), quas possum Deo gratias agens et in voce jubilationis exultans, ad vestræ sanctissimæ paternitatis

pedes humillime provolutus, vestræ sanctitati et excellentissimæ dominationi meam commendo parvitatem; supplicans omni qua possum attentione, quatinus eam vestra sanctissima benignitas paternæ dilectionis brachiis non dedignetur amplecti; negotia quoque mea salutem animarum et episcopalis officii ministerium contingentia, in vestræ sanctitatis præsentia tractanda[1] vel procuranda, vestra ecclesiarum omnium et salutis animarum solicitudo et zelus, una cum eorundem negotiorum procuratoribus, habere velit[2] recommendata. Incolumitatem vestram conservet Altissimus ecclesiæ suæ sanctæ per tempora longiora.

CXII.

Robertus, Dei gratia Lincolniensis Episcopus dilectis in Christo filiis, omnibus Archidiaconis per Lincolniensem diœcesim constitutis, salutem, gratiam, et benedictionem. 1244.

Homo quidam peregre proficiscens, servis suis bona sua tradidit, ut revertens ea reciperet servorum operatione multiplicata. Homo iste typus est prælatorum qui plerumque necesse habent peregre proficisci, ut *quod perierat, quærant*; quorum bona, in quantum sunt hujusmodi, sunt ordinariæ potestates et dispensationes ministeriorum salutis animarum. Nos[a] igitur ob causam prædictam peregre profecti, possumus, licet indigni, inter cæteros pastores per hominem illum intelligi; vos vero estis evidenter quibus prædicta bona sunt tradita, vobisque dictum est, *Negotiamini dum venio.* Consideret igitur vestra prudentia, quod licet semper in accepta Domini pecunia sit fideliter et prudenter

S. Matt. xxv. 14.

A letter exciting his archdeacons to pastoral zeal.

[a] Matt. Par. p. 649 says he went "in octavis Sancti Martini," [Nov. 18] 1244.

S. Luc. xix. 10, 13.

[1] *tractanda*] pertractanda, Brown. | [2] *velit*] velud, C.C.C., Ox.

negotiandum, ut cum lucro possit Domino reportari; tamen tunc specialius et attentius negotiari monentur cum Dominus ab eis peregre proficiscens elongatur; elongato namque patrefamilias, plerumque solent minores familia insolescere, omissis operibus otiari; otiantes, malis quæ docet otiositas immergi; immersi, contemnere bona; contemnentes, jam non suscipere disciplinam; quorum nullum præsente patrefamilias attemptaretur. Quanto igitur pronior et facilior est familia in patrisfamilias absentia ad vacationem a bonis et malorum perpetrationem, tanto peregre profecturus magis habet necessarium, his quos suæ familiæ præposuit, affectuosius et districtius ejusdem familiæ curam injungere, et præpositi familiæ curam ipsius, in absentia patris, vigilantius, affectuosius, atque virilius peragere; quod nihil aliud est, quam *dum*, id est, donec dominus *venit*, in accepta pecunia fideliter et prudenter negotiari. Quia igitur nos peregre profecti, longe sumus corporaliter a familia cui præponimur, vos autem *constituti super familiam, ut* fideliter et prudenter distribuatis et *detis illis in tempore tritici mensuram*, quod proficiscentes non fecimus, profecti recompensare cupientes, ut possumus, a profundissimis cordis nostri radicibus verbum eructantes, monendo, exhortando, obsecrando per aspersionem sanguinis Domini Jesu Christi, dicimus, *Negotiamini dum venio;* potestatem ministerii salutis animarum vobis traditam non reponatis in otiositatis sudario, sed operemini in ea, verbum vitæ incessanter et infatigabiliter prædicando, adimplentes quod præcipit Dominus per prophetam: *Clama, ne cesses, quasi tuba exalta vocem tuam et annuncia populo meo scelera eorum, et domui Jacob peccata eorum;* lucem bonorum operum undique diffundendo; et[1] *sic luceat lux vestra coram hominibus, ut videantur opera vestra bona, et*

S. Luc. xii. 42.

S. Luc. xix. 13.

Isai. lviii. 1.

S. Matt. v. 16.

[1] *et*] ut, C.C.C.₂, Ox.

glorificent Patrem vestrum qui in cœlis est; secundum Apostolicum tam exemplum quam præceptum, sine intermissione orando, verbum vitæ prædicando, incorrectos per hæc dure *arguendo, ut cæteri timorem habeant;* correptioni non acquiescentes, in virga correctionis durius castigando; ita tamen quod omnia vestra in caritate et zelo fiant salutis animarum; justitiam, judicium, et æquitatem omnibus gratis tribuendo, memores quod non hominis, sed Dei exercetis[1] judicium, apud quem non est personarum acceptio[2] nec cupido nummi; sic enim negotiantibus vobis in pecunia dispensationis ministerii salutis animarum vobis creditæ, revertente Domino et rationem ponente vobiscum, audire promerebimini, *Euge, serve bone et fidelis* (hoc est, bene quidem serve bone et fidelis, bene in tua operatione, bene in lucri reportatione, et ideo bene in præmii receptione[3]), *intra in gaudium*[4] *Domini tui;* si vero a sic negotiando torpeatis, verbum illud asperum proculdubio audietis: *Ligatis manibus et pedibus, proicite eum in tenebras exteriores; ibi erit fletus et stridor dentium.*

1 Tim. v. 20.

S. Matt. xxv. 21.

S. Matt. xxii. 13.

Filius Dei æqualis Patri, *in forma Dei existens,* pro animabus salvandis *semetipsum exinanivit, formam servi accipiens,* in accepta forma post summos labores, injuriarum et contumeliarum perpessiones, crucis confusionem et mortem sustinens; vos autem vice Ipsius ad ipsum cum Eo, hoc est, salutem animarum suscepistis administrare; uniusmodi vero rei unimoda et consimilis est causa; necesse est igitur si salutem animarum operari cum effectu vultis, quantum vobis possibile est, ejus in hac operatione imitari vestigia, *exultantes ut gigas ad currendum ipsius viam;* in quo cursu nec

Philipp. ii. 7.

Ps. xviii. 6.

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[1] *exercetis*] exercentis, C.C.C.; genetricis, Ox.

[2] C.C.C. C.C.C$_2$. Ox. leave here a blank of nearly a line.

[3] *receptione*] reportatione, C.C.C.

[4] *gaudium*] grandium, C.C.C.

vos repellat aliquis mundanus timor, nec retrahat mundialis amor. Si autem salutem animarum operari per hunc modum negligitis, qua fronte, imo qua insania eam operari sub æternæ condemnationis pœna spopondistis, præsertim cum non sit alius eam operandi modus!

Si[1] quis vestrum aliquem ex denario diurno conducit ut quicquam operis ei faciat, quo non facto damnum sustinebit inæstimabile, sed[2] conductus ille ab opere torpeat; nonne quilibet vestrum et mercedem ei subtrahet, et damni ex ipsius negligentia provenientis restitutionem exiget? Numquid non a vobis exiget Deus quod vos a vestris conservis vel subditis rationabiliter exigitis? Dominus Jesus semetipsum dedit pro cujuslibet animæ salute; non salvantur tamen, nisi qui passionem Ipsius veraciter credunt, et credentes diligunt; vobis autem Ipse peregre profectus, et nos in Ipso curam commisimus convertendi animas, per qualia supra tetigimus, ad Ipsius fidem et dilectionem; ut sic participent Suæ passionis effectum, et non sit mors Ipsius quoad ipsas frustra. Si igitur aliquæ animæ curæ vestræ commissæ, effectu passionis Domini, id est, æterna salute, per vestram[3] careant negligentiam, nonne[4] mortem Christi quoad illas inanem facitis, completionem quoque numeri salvandorum retardatis, et sic generalem mortuorum resurrectionem mundique innovationem, judicium extremum, et regnum ab origine mundi beatis præparatum, quantum in vobis est, prolongatis, et sic *omni creaturæ* quæ *ingemiscit et parturit usque adhuc*, revelationem filiorum Dei expectans, injuriamini? Et quæ esse potest expectatio talium, nisi quod *creatura Factori suo deserviens* excandescat *in tormentum adversus* ipsos? Et quomodo sustinebit

Rom. viii. 22.

Sap. xvi. 24.

[1] *Si*] om. C.C.C.
[2] *Sed*] si, Ox.
[3] *vestram*] om. C.C.C.
[4] C.C.C. inserts *morte*.

ab universa creatura torqueri, cui etiam unius scintillæ ardor est hic intolerabilis? Numquid aliquis non glorificatus in futuro erit pœnarum impassibilior aut insensibilior, ut levius sit ei tunc quam nunc, violentius operantium quam nunc mitius agentium sustinere tormenta? Etsi futurarum pœnarum esset acerbitas quoquomodo tolerabilis; sed prolixitas ipsarum est interminabilis: *Vermis enim eorum non morietur, et ignis non extinguetur.* Valete. S. Mark ix. 44.

CXIII.

Venerabilibus in Christo patribus, Dei gratia Willelmo[a] *Wintoniensi et Waltero Wigorniensi Episcopis,*[b] *Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et sincerum in Domino caritatis augmentum.*

1245.
[a] William de Raleigh.
[b] Walter de Cantilupe.

Vestræ dilectionis ad nos fervorem, quem frequenter prius in vestris actibus quasi in libro literis scripto communibus legeramus, in lacrymis vestris quas in recessu nostro pro nobis effudistis uberrimas, quasi in libro fulgentissimis et evidentissimæ demonstrationis scripto literis perlegimus; hunc fervorem scimus æstuare, quæ circa nos aguntur, agnosse; ideoque vestræ significamus sincerissimæ caritati, quod, juvante nos Salvatoris gratia, prospere venimus ad curiam domini Papæ apud Lugdunum, ibidem ab ipso domino Papa et cardinalibus sui gratia satis decenter et honorifice suscepti; ubi et commoramur, causam ecclesiæ nostræ in præsentia domini Papæ prosequentes. Valeat paternitas vestra semper in Domino.

He has safely reached Lyons, and been well received by the pope and cardinals.

CXIV.

1245. *Robertus, Dei gratia Lincolniensis Episcopus, dilecto sibi in Christo Fratri*[a] *Ministerio Fratrum Minorum in Anglia, salutem et sincerum in Domino caritatis augmentum.*

[a] William de Notingham.

As Fr. John of Stamford has been taken ill on the way home, he begs that Fr. Peter of Tewkesbury may be sent with one or more friars to take charge of him.

Veros non molestat amicos, sed magis consolatur, quicquid sapienter et salubriter disponit Is[1] quem vera amicitia complectimur[2]; quapropter cum veri sitis amatores et amici Dei, non potest vos quicquam molestare quod Ipso fit ordinante. Ipsius autem providentia, quæ omnia sapienter disponit et salubriter, frater Johannes, socius fratris Adæ, laborat quartana, qua ægrotare incepit in reditu nostro apud Belman[b], quem diebus interpolationis duximus usque ad Nogent, et illinc per aquam Secanæ[c] usque Parisius fecimus eum nos præcedere; quia autem non videbatur nobis neque fratri Adæ securum, quod sequeretur nos inde versus mare, nec quod Parisius moraretur propter aeris illius loci infectionem non salubrem, elegimus ut per aquam iret Rothomagum[d], fratre Adamo usque illuc eundem comitante, qui nullo modo voluit ab ægrotante recedere, donec notis sibi fratribus in loco salubri illum commisisset; et sic ad mare tandem nobis occurreret; veruntamen cum venissent ad urbem quæ vocatur Manta,[e] invalescente debilitate dicti fratris Johannis, non ausus fuit frater Ada illum ulterius ducere, nec propter ipsius debilitatem ab ipso recedere, ut nobis secundum condictum occurreret; quia igitur apud dictam urbem Mantam ambo remanserunt, supplicamus omni qua possumus affectione, quatinus fratrem Petrum de Theokebure cum aliquo vel aliquibus fratribus qui cum

[b] Beaune. [c] The Seine [d] Rouen. [e] Mantes.

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[1] *is*] eis, C.C.C.

[2] *complectimur*] complectuntur, C.C.C., Ox.

fratre Johanne possint commorari, donec statum ipsius Dominus emendaverit, fratre Petro cum fratre Ada redituro, ad prædictam urbem mittere non tardetis; hoc enim utrique fieri desiderant et supplicant. Præterea sciatis quod non est securum quod frater Ada prolixius moram trahat in illis partibus; cum plures multum desiderent ipsum Parisius detinere, maxime mortuis fratribus Alexandro de Hales et J. de Rupellis; et sic tam vos quam nos maximo nostro solatio essemus destituti, quod absit. Omnino autem provideatur quod dictus frater Petrus nobis satagat occurrere antequam transfretet; erimus autem per Dei gratiam apud Witland die Sabbati proxima post festum beati Dionisii; cæterum noveritis quod in causa visitationis, plane (benedictus Dominus) pro nobis et per consequens pro omnibus episcopis, est pronunciatum. Valeat paternitas vestra semper in Domino.

He hopes to land in the Isle of Wight by October 14, having won his cause in the question of the visitation.[1]

CXV.

Venerabili in Christo patri Hugoni, Dei gratia titulo Sanctæ Sabinæ Presbytero Cardinali, Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et quam debitam tam devotam in omnibus obedientiam et reverentiam. 1245.

Vestræ caritatis erga parvitatem meam conceptæ sinceritas, vultus vestri serenitate, allocutionum suavitate, ac efficacia operum manifeste se propalavit; proinde vestræ paternitati etsi non possum condignas, quam uberes tamen et quam devotas valeo, refero gratiarum actiones, sciens quod ignis ille non tepescet nec imminuetur suapte natura, sed fervescet amplius et crescet

The church of England depends on the archbishop of Canterbury; and for his efficiency in the divine law he

[1] See the letter of Innocent in Matt. Par. p. 689.

needs the support of *latera*, viz. the two orders of friars.

in majus; ideoque confidenter vobis scribo, maxime cum quæ scribendo peto[1] vel suadere intendo, ad opera pertineant caritatis. Novit autem vestra discretio quod salus ecclesiæ Anglicanæ et etiam regni plurimum dependet a venerabili patre domino archiepiscopo Cantuariensi; quapropter necessaria sunt ei latera non solum quæ sapiant jura regni, vel civilia et canonica solum, sed et quæ sapiant jura Dei, hoc est, quæ sacram noverint Scripturam et sapientiam illius inscriptam habeant non solum in mentis aspectu sed et in[2] affectu, operum affectui correspondentium exercitio firmatam. Per hanc enim maxime, ut nostis, reges regnant et legum conditores justa decernunt: hac sola ad portum salutis dirigitur Petri navicula. Necessarium est igitur ut habeat dictus venerabilis pater dominus archiepiscopus ipsum continuo stipantia latera talia, quæ alibi non inveniuntur nisi in ordine fratrum utrorumque; vestra igitur sapientia quæ ferventer zelat dictorum ecclesiæ, regni, et archiepiscopi salutem, omnino procuret apud dominum Papam, quod talibus lateribus jugiter fulciatur dictus dominus archiepiscopus; ego autem in recessu meo a domino Papa super dicto negotio instanter eidem supplicavi, qui favorabiliter asseruit quod meam in hac parte supplicationem effectui manciparet; veruntamen timeo quod de memoria ipsius hoc cito elabetur, nisi vestra diligentia et instantia in ipsius memoria efficaciter innovetur. Valeat paternitas vestra semper in Domino.

Begs him to remind the pope.

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[1] *peto*] pete, C.C.C. [2] *in*] om. C.C.C.

CXVI.

Venerabili in Christo Patri Waltero[a], *Dei gratia Archiepiscopo Eboracensi, Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et quam debitam tam devotam cum sincera dilectione reverentiam.* 1245.

[a] Walter Gray.

Ex obedientia plerumque facere cogimur quod et cum tristitia facimus, et cum gaudio, si fieri posset, omitteremus: sed quia *quasi peccatum ariolandi est repugnare, et quasi scelus idololatriæ nolle adquiescere,* omittere non possumus quod a superiori injunctum habemus. Noverit itaque vestra paternitas reverenda, quod dominus Papa in recessu nostro ab ipso nobis affectuose et firmiter viva voce injunxit, quod nos, ex parte ipsius et omnium fratrum suorum, venerabilium videlicet patrum dominorum cardinalium, vos cum omnia instantia et diligentia rogaremus, quatinus caritatis intuitu et precum ipsius et fratrum suorum obtentu, negotium domini Cerviensis episcopi[b] cum sua cognatione exulantis[1], pro quo vobis suas literas dirigit, favorabiliter expedire velitis. Nos itaque quia ad præsens vestram præsentiam personaliter adire non possumus, præsenti litera quam possumus[2] devote et affectuose supplicamus, quatinus pietatis vestræ viscera, quæ super afflictos omnes gestatis, super dictum dominum Cerviensem afflictum et indigentem, virum magni testimonii et reverendæ canitiei, clementer aperire dignemini; scientes pro certo quod admodum erit hoc domino Papæ et omnibus fratribus gratum et acceptum; et in vestris negotiis apud ipsos expediendis favorabiles et propitios hujus rei gratia eosdem invenietis. Valeat semper in Domino sancta paternitas vestra.

He obeys the pope's command by urging the archbishop of York to favour the business of the bishop of Cervia.

1 Sam. xv. 23.

[b] Johannes Ursarola, bishop of Cervia, 1232–1254. See Ughelli. Ital. Sacr. ii. p. 469.

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[1] *exulantis*] exultantis, C.C.C.

[2] *præsenti . . . possumus*] om. C.C.C.

CXVII.

1245. *Sanctissimo in Christo patri et domino Innocentio, Dei gratia summo Pontifici, devotus suus Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, beatorum pedum oscula devotissima.*

The king has promised, while maintaining his crown and kingship, to shew all devotion to the Pope.

Me reverso in Angliam, occurrente domino regi revertenti a partibus Walliæ, habitoque cum eo secretius colloquio, cum inter cætera dixissem ei pro modulo meo aliqua verba suasoria de obedientia, fidelitate, et devotione vestræ sanctitati et sanctæ Romanæ Ecclesiæ exhibendis et observandis, et de firmiter et constanter adhærendo ei, et maxime nunc, conantibus quibusdam, sed juvante Domino frustra, in tranquillitatis ipsius perturbationem aliquid moliri; ipse hujusmodi responsum dedit mihi, dicens: "Domine Episcope, "quæ[1] pertinent ad coronam et regalitatem nostram, "intendimus, sicut et debemus, conservare illæsa; et "desideramus quod dominus Papa et ecclesia sint "nobis in hac parte in adjutorium; et pro certo "habeatis quod omnino et semper obedientiam, fideli-"tatem, et devotionem domino Papæ, tanquam patri "nostro spiritali, et sanctæ Romanæ ecclesiæ, tan-"quam matri, exhibebimus et observabimus, et in suis "tam prosperis quam adversis firmiter, constanter, et "fideliter eis adhærebimus, et die quo hæc non facia-"mus, damus oculum ad eruendum, imo caput ad "amputandum; absit enim quod vel vita vel mors "vel aliquid quod accidere possit, nos a devotione "spiritalium patris et matris separaret. Præter com-"munes namque rationes quibus omnes Christiani

[1] *quæ*] quo, C.C.C.

"principes tenentur ecclesiæ, nos speciali ratione ei "præ cæteris principibus arctius obligamur: cum "enim essemus orbati patre, adhuc in minore ætate "constituti, regno nostro non solum a nobis averso, "sed et nobis adversante, ipsa mater nostra Romana "ecclesia per dominum Gualonem cardinalem, tunc in "Anglia legatum, idem regnum ad nostram pacem et "subjectionem revocavit, nosque consecravit in regem, "et coronavit, et in regni solium sublimavit."

Præscriptum itaque domini regis responsum vestræ sanctitati scribendum putavi, ut qualem erga vos et ecclesiam Romanam dictus dominus gerat devotionem, vobis certius innotescat[1]. Incolumitatem vestram conservet Altissimus Ecclesiæ suæ per tempora longiora.

CXVIII.

Viro venerabili et in Christo sibi carissimo domino T., Robertus, Dei gratia Lincolniensis ecclesiæ Episcopus, salutem et sincerum in Domino dilectionis affectum. 1245.

Presenting T. to the archdeaconry of Huntingdon and prebend of Buckden.

Credentes vos zelo fervere salutis animarum, ex desiderio salutis earum archidiaconatum de Huntingdon et præbendam de Bugeden vobis contulimus; quæ beneficia suscipere occasione qua quondam recusastis præbendam de Gretton, recusare nunc non potestis. Est enim (benedictus Dominus) inter nos[2] et capitulum nostrum pacis tranquillitas. Præterea si zelum animarum et Dei amorem habetis, quos habere credimini, ea nullo modo recusabitis; cum in eisdem multipliciter amplius salutem animarum operari possitis, juvante

[1] *innotescat*] innotificat, C.C.C. | [2] *inter nos*] om. C.C.C.

Salvatoris gratia, quam in cura quam hactenus tenuistis. Sicut enim qui Deum diligit, et sacrificium zeli, quo non est Deo acceptabilius, offert ad Ejus vocationem et ordinationem, oves suas pascit: sic qui Eum diligit et ut[1] dictum est, Ei offert sacrificium[2] in minori cura, quasi *super pauca fidelis* inventus, ab Eodem ad majorem, ut *supra multa constituatur*, vocatus, Ejus vocationem non obaudit: quod si faciat, *in gaudium Domini* non *intrabit*. Ne igitur convincamini Deum non diligere, sacrificium zeli non offerre, ac per hæc in gaudium Domini non fore intraturos; ne insuper nota inanis gloriæ vere vel verisimiliter vobis possit impingi, velut videri volentibus divitiarum et dignitatum habere contemptum; Dei amor, animarum zelus, spes æternæ remunerationis, *nominis boni, quod melius est quam unguenta pretiosa*, non contemnenda salvatio, sicut nec adquisitio, vos Dei advocationem, (non enim nos, sed Deus per nos qualescunque Ejus ministros vos vocat,) non obaudire, sed humiliter exaudire compellant. Valeat paternitas vestra semper in Domino.

S. Matt. xxv. 23.

Eccles. vii. 2.

CXIX.

1246. *Excellentissimo Domino suo Henrico, Dei gratia illustri Regi Angliæ, Domino Hiberniæ, Duci Normanniæ, Aquitaniæ, et Comiti Andegaviæ, Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et quam debitam tam devotam cum sincera dilectione reverentiam.*

The bishops are obliged to collect the

Scripsit nobis reverenda dominatio vestra vos mirari non modicum et moveri super eo, quod tallagium de viris religiosis et clericis assidere et colligere ad opus

[1] *ut*] om. C.C.C.: *et*, om. C.C.C$_2$., Ox.
[2] *offert sacrificium*] repeated in C.C.C.

domini Papæ proponimus per nos ipsos. Noverit itaque vestræ sinceritatis discretio, quod nos nihil in hac parte per nos ipsos facimus, hoc est, nostra auctoritate, vel soli; cum venerabiles patres coepiscopi nostri id idem[1] faciant, vel jam pridem effectui mancipaverint, secundum formam a magistro Martino domini Papæ nuncio, dum adhuc in his partibus moram traheret, eisdem traditam; quos similiter ut nos ad id compellit summi Pontificis auctoritas et præceptum, cui non obedire *quasi peccatum est ariolandi et quasi scelus idololatriæ non adquiescere.* Non igitur est admiratione dignum, quod coepiscopi nostri et nos in hac parte facimus, sed admiratione multa et indignatione quamplurima esset dignissimum, si etiam non rogati vel jussi aliquid hujusmodi vel etiam majus non faceremus. Videmus enim patrem nostrum et matrem spiritales, quibus incomparabiliter plus quam carnalibus tenemur ad honorem, obedientiam, reverentiam, et in suis necessitatibus omnimodam subventionem, exilio relegatos, persecutionibus et tribulationibus undique coangustatos, patrimonio suo spoliatos, de proprio, unde, ut decet, sustententur, non habentes. Si igitur eis in tali statu existentibus non subveniamus, certum est quod mandatum Domini de honorando parentes transgredimur, nec *super terram longævi erimus,* nec in filiis jocundabimur, nec in die orationis nostræ exaudiemur, timoremque Domini abiciemus, et benedictionem Ipsius nolumus, domosque filiorum infirmamus, nobis ipsis dedecori sumus, famam malam et maledictionem super nos accumulamus, sicut ex Scripturæ testimoniis evidenter perpendere possumus. Non igitur regia clementia, quæ thronum firmat regium, inhibebit aut impediet filios patrem et matrem honorare volentes, sed magis hoc eorum propositum, ut regiam decet magnificentiam

Tallage imposed by the Pope on the clergy.

1 Sam. xv. 23.

Exod. xx. 12.

[1] *id idem*] id diem, C.C.C.; ad idem, C.C.C$_2$.

et magnanimitatem, laudabit, juvabit, et promovebit usque ad consummationem. Sciat quoque pro certo vestra dominatio, quod quicunque vobis in hac parte aliud consulunt[1], honori regio non prospiciunt. Valeat dominatio vestra semper in Domino.

CXX.

1246? *Robertus, Dei gratia Lincolniensis Episcopus, dilecto in Christo filio, magistro Johanni de Offinton, domini Papæ capellano, salutem, gratiam, et benedictionem.*

Grosseteste and Adam de Marisco are very anxious that John de Offinton should come to England for the ministry of souls.

S. Luc. xix. 13, 20.

S. Matt. xxii. 13.

Ego et frater Ada de Marisco, qui vos specialiter diligit in Domino, plurimum imo omnino desideramus quod in Angliam veniatis, ibidem moraturi in ministerio Jesu Christi et salutis animarum, pro quibus Ipse sanguinem suum fudit. Hic enim, tantus animarum dilector, vobis tradidit puri metalli et probatæ monetæ talentum scientiæ ministerii salutis, et talentum potentiæ ejusdem, talentum quoque curæ animarum; et hoc proculdubio non ut ea *reponatis in sudario,* sed ut in eis *negotiamini dum venerit,* et de negotiatione multiplicatum lucrum, non aliud pro certo quam salutem animarum, in die adventus sui reportetis: adventus autem Ipsius dies proculdubio unicuique nostrum, dies est sui de hac vita recessus; qui quando instat omnino est incertum; certissimum tamen quod in brevi; quodque non reportans tunc de impigra et solicita, prudenti quoque ac fideli negotiatione in sibi commissis talentis conveniens lucrum, ablatis ab eo talentis, *ligatis manibus et pedibus* ex judiciali sententia *proicietur in tenebras exteriores, ubi erit fletus*

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[1] *consulunt*] consiluit, C.C.C.

et stridor dentium. His itaque hac luce clarioribus, et ex sententia Salvatoris certissime constantibus, quomodo potest vestra circumspecta sapientia, propriæque salutis proprius amor, terribilis quoque et districtissimi Judicis timor, vos non compellere ad ea quæ intendimus suadere? Certus sum omnino quod si vigilanter actu consideretis, omnino vos compellent, et omnia retinacula velut stuppam aut aranearum fila diriment. Possem quoque et alia quamplura omnino irrefragabilia de Scriptura sacra et de philosophia ad idem suadendum afferre; sed ad vestrum præclarum ingenium sufficit hoc unum quod scribo, non ad instruendum, sed ad flabellandum et excitandum illum magnum ignem qui intra vos clauditur, ut erumpat in flammam, et *luceat omnibus qui in domo sunt* et calefaciat eosdem: novit enim Ipse scrutator cordium, quod ego et prædictus frater de vestra salute, et vestra etiam, cum Dei beneplacito, promotione, plus sumus soliciti quam de alicujus clerici in hac vita degentis in habitu seculari. Valete.

S. Matt. v. 15.

CXXI.

Robertus, Dei gratia Lincolniensis Episcopus, dilectis in Christo filiis Henrico[a] *Decano et capitulo Lincolniæ, salutem, gratiam, et benedictionem*

1246.

[a] Henry de Lexinton.

Accedens ad nos dilectus filius magister Robertus[b] præcentor ecclesiæ Lincolniensis, nobis ex parte vestra dixit, vos admirari quod cum in capitulo Lincolniensi dixerimus nos velle incipere visitationem a capitulo Lincolniensi, et sic ad membra visitanda procedere, econverso jam facere deponimus: ad quod respondemus, quod[1] antequam venimus Lincolniam proposuimus

Reasons for a change in the order of the visitation of Lincoln diocese.

[b] Robert de Bedford.

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[1] *quod*] om. C.C.C.

Jan. 23. visitare capitulum Lincolniense in crastino beati Vincentii, quod etiam satis expresse vobis diximus, et sic deinceps descendere ad visitandum archidiaconatum de Stowe et præbendas in eodem archidiaconatu existentes; non enim sufficiebat tempus inter Epiphaniam Domini et dictum terminum, ad complendum visitationem prædictam in archidiaconatu prædicto: super hujus itaque propositi fundamentum erat sermo noster de ordine visitationis fundatus: sed ad vestras preces, ut scitis, hoc fundamentum est immutatum, et dilata visitatio capituli usque in diem lunæ proximam post Purificationem. Considerantes itaque quod tempus ab Epiphania usque ad dictum diem lunæ, juvante nos Salvatoris gratia, sufficit nobis ad prætactam in prædicto archidiaconatu visitationem perficiendam; ne interim pigritemur, et in talento nobis tradito non negotiemur, ordinem visitationis, quem non simpliciter, sed prædicto fundamento supposito proposueramus, commutavimus: super quo non admirari, sed magis congratulari debetis: qua enim admiratione dignum, si super alterum fundamentum, alterum vel aliter erigatur ædificium? Præterea siquis quod etiam simpliciter proposuit et simpliciter se facturum promisit, in melius et animabus salubrius commutat, numquid ex hoc mendacii, aut inconstantiæ, aut imprudentiæ poterit redargui? Certissimum est autem melius esse et Deo acceptius animabusque salubrius, quod favente Domino nos facturos circa visitationis negotium disponimus: Philipp. ii. 21. ideoque decet vos, ut Jesu Christi servos, *non quæ vestra sed quæ Ipsius sunt quærentes*, nostro processui, ut prædictum est, congratulari, precibus vestris ut Dominus ipsum prosperum faciat et dirigat, impetrare; præsertim cum in hoc consistat oneris nostri non modica sublevatio, laboris vestri juvatio, et magna, ut facilius et fructuosius vos in cura vobis commissa salutem operemini, præparatio. Valete semper in Domino.

CXXII.

Robertus, Dei gratia Lincolniensis Episcopus, dilectis in Christo filiis Henrico[a] *Decano et Capitulo Lincolniæ, salutem, gratiam, et benedictionem.* 1246.

[a] Henry de Lexinton.

Scriptum est, *Justum non contristabit quicquid ei acciderit;* quod autem quis patitur, non quod ipse facit, eidem accidere dicitur. Vos autem viri justi estis; nihil ergo quod vobis accidit vos contristabit; et si quicquam vobis accidens vos contristat, nonne non estis justi? et si non justi, nonne injusti? quod longe absit a vobis. Non igitur quicquam vobis accidens, et maxime leve ad sufferendum viro forti, tantos viros contristet. Hæc autem ideo dicimus, quia ex verbis et vultibus quorundam de vobis, satis evidenter heri perpendimus, quod quædam vobis accidentia saltem vestram sensualitatem molestaverant: sed absit quod talis molestatio vestram tetigerit rationem, ne injusti comprobemini: sed vestræ rationis firma constantia vestram sensualitatem contra omnes corroboret molestationes. Viros enim fortes, et *domum non super arenam, sed supra petram fundatam,* nec fluminum rapidissimorum fortissimi impetus, nec ventorum irruentium violentissimi flatus concutere possunt: speramus autem vos et viros fortes, et *domum super petram fundatam.* Non igitur vel signum aliquod commotionis in vobis appareat et maxime ad lenis auræ flatum, vel leniter fluentis aquæ motum. Quid autem sunt stultorum stulta et vana verba, nisi lenis aura? Quid vero parva et portabilis injuria, nisi leniter fluens aqua? Præterea vir justus Dei veritatem propriæ præfert voluntati: vos autem, ut diximus, viros justos esse speramus: veritatem igitur Dei et per consequens ipsius voluntatem, quia in sua veritate ipse sibi complacet, alacriter et totis viribus prosequamini; ut compre-

Prov. xii. 21.

Appealing to the justice of the dean and chapter to co-operate with him.

S. Matt. vii. 24–26.

hendatis dicentes corde, ore, et opere eidem veritati,
S. Marc. xiv. 36. "*Non quod ego volo sed quod tu,* nec sicut ego nolo, "sed sicut tu: in tantum autem mea voluntas fiat, "et non in amplius, in quantum tua voluntas mea est, "et mea tua." Ad Dei itaque veritatem et vestram voluntatem, non propriam, sed voluntati divinæ conformem, ac per hoc divinam simul et vestram perficiendas, vobis pro viribus, favente Salvatoris gratia, semper erimus consiliatores et coadjutores; nec in hoc aliquando, eadem juvante gratia, vobis deesse poterimus. Valete.

CXXIII.

124[?] ? *Robertus, Dei gratia Lincolniensis Episcopus, dilectis in Christo filiis magistris Oxoniæ in Theologia Regentibus, salutem, gratiam, et benedictionem.*

On the lectures given by the regents of Oxford. These should be from the Old and New Testaments, and especially those given in the morning.

Periti ædificiorum constructores omni prospiciunt diligentia, quod lapides omnes in fundamento ponendi vere sint fundamentales, oneris videlicet ædificii supererigendi supportationi [1] sua soliditate convenientes et apti. Vos autem estis domus Dei constructores,
Eph. ii. 20. *superædificantes* eam *super fundamentum Apostolorum et Prophetarum, ipso angulari lapide Christo Jesu.* Lapides igitur fundamentales ædificii, cujus estis architectonici, præter quos nemo potest alios invenire aut in fundamento ponere, libri sunt Prophetarum; inter quos et legislator Moyses non immerito est annumerandus; libri quoque Apostolorum et Evangelium: quos lapides fundamentales vos in fundamento ponitis et disponitis, cum eosdem libros per
1 Cor. xii. 10. donum *discretionis spirituum,* secundum mentem edito-

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[1] *supportationi*] supportationem, C.C.C., Ox.

rum auditoribus exponitis. Omni igitur circumspectione vobis cavendum est, ne inter fundamentales lapides, vel pro fundamentalibus, non fundamentales ponantur; ne forte minor non fundamentalium soliditas superædificatum prius pariat rimosum, et deinde ruinosum. Tempus autem maxime proprium ponendi et disponendi prædictos lapides in fundamento, (est enim tempus fundandi, sicut et *tempus ædificandi,*) hora est matutina qua ordinarie legitis; decet igitur vestras lectiones omnes, maxime tali tempore, legendas esse de libris Novi Testamenti vel Veteris; ne[1], si secus fiat, inter fundamentales, vel pro fundamentalibus lapidibus non tales ponantur; tempus quoque unicuique negotio congruum, contra Scripturæ doctrinam et rerum naturalem ordinem, non tribuatur; et a patrum et majorum vestigiis et conformitate Regentium Parisius Theologorum manifeste recedatur. Quia igitur totis affectamus caritatis visceribus, quod *omnia* in vobis *honeste et secundum ordinem fiant,* sicut præcipit Apostolus, vestram discretionem omni qua possumus affectione et devotione rogamus, monemus, et exhortamur in Domino Jesu Christo, quatinus omnes lectiones vestræ ordinariæ hora legendi matutina de Novo sint Testamento vel Veteri; ut sitis similes patribusfamilias, imo potius ipsi patresfamilias, *proferentes de thesauris vestris nova et vetera,* non alia quædam velut horum media, aut ab hagiographis patribus superædificata doctrinæ, quorum est tempus aliud convenientius accommodandum. Valete.

Eccl. iii. 3.

1 Cor. xiv. 40.

S. Matt. xiii. 52.

[1] *ne*] vel, C.C.C.

CXXIV.

1245? *Excellentissimo Domino suo Henrico, Dei gratia illustri Regi Angliæ, Domino Hiberniæ, Duci Normanniæ, Aquitaniæ, et Comiti Andegaviæ, devotus suus Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et quam debitam tam devotam cum sincera dilectione reverentiam.*

On the sacerdotal and kingly powers.

Ex dominationis vestræ præceptione vobis hanc scribimus pagellam; ideoque vestram excellentiam devote rogamus, quatinus eandem regia clementia benigne suscipiat, audiat, et intelligat; nec solum tanquam a sua præceptione, sed et simul a scribentis humili devotione, et qualem habet, caritate emanantem.

Sicut litera, quam nobis scripsit vestra serenitas regia insinuat, duo novimus esse in humano genere regiminis principia, sacerdotium videlicet et regnum: quorum hoc quidem omnia sui regiminis dirigit ad æternam pacem, illud vero ad temporalem; ut per eam quæ temporis[1] est, facilior sit transitus ad eam quæ æternitatis est. Est igitur, ut in eadem litera tangitur, utrumque utriusque juvativum: ex quo evidenter sequitur quod neutrum neutrius est impeditivum; ac per hoc, quod utrumque officia ac ministeria alterius promovet et nullo modo impedit, imminuit, aut retardat: non enim impedit potestas sacerdotalis quin regia potestas rempublicam armis strenue tueatur, legibus justis moderetur, et præclaris adornet moribus: nec econverso regalis sacerdotalem præpedit, quo minus ipsa gregis æternam operetur incessanter salutem, panem verbi Dei eidem ministrando, sanctorum operum

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[1] *temporis*] tempus, C.C.C.

exempla præclara monstrando, vigiliis, jejuniis, et orationibus assiduis insistendo, quæ, testante Apostolo, fieri nequeunt ab his qui *secularibus negotiis implicantur.* 2 Tim. ii. 4.
Quapropter regia potestas, sacerdotii juvativa, nullo modo in cura constitutos pastorali secularibus potest negotiis implicare; cum hoc esset solare lumen in lunare convertere, solares radios a vegetatione terræ nascentium præcludere, animam a corporis vivificatione prohibere, cælum etiam in terram deorsum trahere; sacrata execrare, et rerum ordinem turbare et *Dei* Rom. xiii. 2.
ordinationi resistere. Nos autem ex parte qua sacerdotio, licet indigni, fungimur, pro viribus nostræ modicitatis desideramus, ut sub utraque et ab utraque dicta potestate *omnia honeste et secundum ordinem,* 1 Cor. xiv. 40.
ac per consequens concorditer *fiant;* ut videlicet spiritalia tractentur ab ecclesiasticis et spiritalibus, secularia vero a secularibus, utpote militaria a militibus; correctiones et reformationes excessuum et defectuum in his quæ rempublicam regni contingunt, a secularibus personis, in regni justis legibus peritis et exercitatis; et non, sicut vestræ suggestum est excellentiæ, aliquo modo conamur directe seu indirecte inter imperium vestrum et sacerdotium dissonantiam procurare.

He declines to admit R. Passelew, who has been presented to S. Peter's, Northampton, because he is a forest judge.

De eo autem quod consequenter de quodam clerico vestro nobis ad quandam ecclesiam præsentato, verbis generalibus vestra scripsit serenitas, vos specialiter certiorare volentes vestræ clementiæ significamus, quod domino Roberto Passelewe ad ecclesiam beati Petri Northamptoniæ nobis præsentato, ex[2] affectu paterno et salutis ipsius et animarum parochiæ dictæ ecclesiæ et honoris regii zelo, post plurima salutis monita, mente tranquilla et in spiritu lenitatis respondimus, quod ei justitiario Forestæ, fungenti hujusmodi justitiariæ officio, curam animarum non traderemus; cum hoc

[2] *ex*] et, C.C.C.

facere non possemus nisi contra divinam legem et canonicas sanctiones; et per hoc, contra nostram in consecratione nostra professionem.

On the question as to what the anointing adds to the royal dignity.

Quod autem in fine literæ vestræ nobis mandastis, videlicet quod intimaremus quid unctionis sacramentum videatur adicere regiæ dignitati, cum multi sint reges qui nullatenus unctionis munere decorentur; non est nostræ modicitatis complere; hoc tamen non ignoramus, quod regalis inunctio signum est prærogativæ susceptionis septiformis doni sacratissimi Pneumatis, quo septiformi munere tenetur rex inunctus præminentius non unctis regibus, omnes regias et regiminis sui actiones dirigere; ut videlicet non communiter, sed eminenter et heroice, *dono timoris* se primo, et deinceps, quantum in ipso est, suo regimini subjectos ab omni cohibeat illicito; *dono pietatis* defendat, subveniat, et subveniri faciat viduæ, pupillo, et generaliter omni oppresso; *dono scientiæ* leges justas ad regnum juste regendum ponat[1], positas observet et observari faciat, erroneas destruat; *dono fortitudinis* omnia regno adversantia repellat, et pro salute reipublicæ mortem non timeat. Ad prædicta autem præcellenter agenda *dono consilii* decoretur, quo artificialiter et scientifice ordo hujus mundi sensibilis[2] edocetur; deinde *dono intellectus*, quo cœtus angelici ordo dinoscitur; tandem vero *dono sapientiæ*, quo ad dilucidam cognitionem Dei pertingitur; ut ad exemplar ordinis mundi et ordinis angelici, secundum leges æternas in æterna Dei ratione descriptas, quibus regit universitatem creaturæ, rempublicam sibi subjectam ordinabiliter regat tandem et ipsa. Adicit igitur regiæ dignitati unctionis sacramentum, quod rex unctus præ cæteris in suo genere debet, ut prætactum est, ex septiformi Spiritus munere in omnibus suis regitivis actibus, virtutibus divinis et

[1] *ponat*] ponas, C.C.C.
[2] *sensibilis*] sensilis, C.C.C.; om. C.C.C$_2$.

heroicis pollere. Hæc tamen unctionis prærogativa nullo modo regiam dignitatem præfert aut etiam æquiparat sacerdotali, aut potestatem tribuit alicujus sacerdotalis officii; Judas namque, filius Jacob, princeps tribus regalis, distinguens inter se et fratrem suum Levi, principem tribus sacerdotalis, ita ait; "Mihi dedit "Dominus regnum et Levi sacerdotium, et subjecit "regnum[1] sacerdotio; mihi dedit quæ in terra, illi quæ "sunt in cælis; ut supereminet cælum terræ, ita super- "eminet[2] Dei sacerdotium regno quod est in terra." Ozias rex Judæ, quia manum ad officii sacerdotalis parvum quoddam ministerium conatus est extendere, lepræ meruit percuti contagione, et usurpans quod supra se erat, decidit ab eo quod erat. Hæc breviter perstrinximus, ne prolixitatis fastidio vestram serenitatem afficeremus; desiderantes plurimum quod super singulis prætactis articulis, nobis peritiores, dum tamen timentes Deum, in quibus sit veritas et qui oderint avaritiam, attentius audiatis. Valeat et vigeat dominatio vestra per tempora longiora.[3]

Testamenta xii. Patriarcharum. Fabric. Codex Pseud. Vet. Test. i. p. 613.

2 Chron. xxvi. 19.

CXXV.

Excellentissimo Domino suo Henrico, Dei gratia illustri Regi Angliæ, Domino Hiberniæ, Duci Normanniæ, Aquitaniæ, et Comiti Andegaviæ, devotus suus Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et quam debitam tam devotam cum sincera dilectione reverentiam. 124[?]?

Audivimus excellentiam regiam adversus nostram parvitatem motam esse, velut adversus mandatis vestris

He hears that the king is

[1] *regnum*] regno, C.C.C.

[2] *cælum . . . supereminet*] om. Brown: Ox. has *superveniet* for supereminet.

[3] *Valeat . . longiora*] C.C.C. has only *etc.*

vexed with him, as having written against his mandates. He does not think he has written wrongly, but if he has, asks pardon and promises amendment.

Ps. vii. 10.

Ps. xcviii. 4.

rescribentem, sicut deceret; novit *Scrutator cordium et renum* nos regiæ majestatis honorem, virtutem, potestatem, et imperium affectuose desiderare, et pro horum augmentatione, consummatione, et conservatione in orationibus nostris privatis et publicis Deum pro modulo nostro devote deprecari; quod cum sit, non posset esse quod regiam dignitatem, circa quam sic afficimur, et cui etiam ad fidelitatem tenemur, scienter et voluntarie, seu scribendo seu modo alio, vellemus offendere, cum *honor regis judicium diligens* offendi non possit nisi injustitiis. Revolvimus autem diligenter in memoria nostra quæ ad mandata vestra vestræ rescripsimus excellentiæ; et non occurrit nobis nos quicquam scripsisse falsum, aut verum non scribendum, aut verum scribendum aut alteriusmodi orationem modo alio scripsisse quam decuit; in quibus tribus est scribens merito reprehendendus; licet forte per imperitiam nostram non ita rhetorice scripserimus ut pro qualitate materiæ eloquentia rhetorica requireret; in quo scribentis imperitia solum est digna reprehensione scholastica. Sed ad regiam clementiam non nunc agimus nos velut justificando, sed ejus benevolentiam summo desiderio captando; supplicantes devotissime, quatinus si vel scribendo vel aliter eam offenderimus, offensam nobis clementer remittat; præsertim cum parati simus ad ejus clementiæ beneplacitum, omnem erga eam excessum corrigere et emendare in proxima quam habituri sumus cum ea collocutione. Unde quam possumus, humili et devota rogamus affectione, quatinus et hoc et alia negotia nostra, coram regia serenitate tractanda, benevole ponere dignetur regia magnificentia in respectum, donec cum ea habuerimus colloquium. Speramus enim quod regia magnificentia, quæ omnia vult dirigi ad Dei honorem, animarum salutem, et ecclesiasticam libertatem, nostraque parvitas, quæ eadem et non alia, favente Domino, quærit, brevi benevola et benigna collatione

ad ipsum circa prædicta sapient et in id ipsum concorditer consentient. Valeat et vigeat dominatio vestra per tempora longiora.

CXXVI.

Venerabili in Christo Patri Bonifacio, Dei gratia Cantuariensi Archiepiscopo, totius Angliæ Primati, Robertus, miseratione divina Lincolniensis ecclesiæ minister humilis, salutem et quam debitam tam devotam in omnibus obedientiam et reverentiam. 124[?]?

Novit vestra paternitas vos ideo in capite constitutos episcoporum, ut negligentium in suis officiis negligentiam suscitetis, diligentium diligentiam juvetis, nec compellatis ad quicquam iniquum; sed eos qui inique agunt canonice corrigatis. Hæc eadem facere est et vestri officialis, cum in hac parte vices vestras noscatur gerere; qui si secus egerit, non tam sibi quam vobis, cujus vices gerit, notam impingit, et *in gloria vestra maculam* ponit. Nos itaque, sicut tenemur, gloriæ vestræ lucem sine macula splendere sinceræ caritatis affectu desiderantes, silere non possumus quæ ab officiali vestro attemptanda timemus, non solum in vestri officii præjudicium, sed et in vestræ gloriæ denigrationem. Novit itaque paternitas vestra quod dominum Robertum Passelewe, justitiarium forestæ domini regis, (ex cujus justitiariæ officio inquirit judicialiter de furto venationis et viridis in foresta regis, et inventos hujusmodi crimine denotatos capi facit et incarcerari, et sententialiter punit non solum laicos sed et clericos, et alia exercet tali officio pertinentia,) præsentatum nobis ad ecclesiam beati Petri Northamptoniæ, sæpe a nobis commonitum ut a talis officii functione cessaret, nostris monitis obtemperare nolentem, ad dictam

On the matter of R. Passelew's appointment to S. Peter's, Northampton, and the archbishop's conduct by his official.

Ecclus. xxxiii. 24.

Z

ecclesiam, propter prædictam sibi illicitam functionem et alias quamplures causas, admittere recusavimus: in quo facto, nullo modo, ut credimus, debemus de negligentia argui, sed magis ex diligentia pastoralis officii laudari. Vester autem officialis, ad præfati domini Roberti querimoniam, nos reputans in hac parte negligentes, nobis mandavit in virtute obedientiæ qua vobis tenemur, præcipiendo quatinus dictum Robertum vel procuratorem suum ad hoc constitutum, infra octo dies post receptionem mandati sui, in ecclesia tali personam, prout decet, canonice institueremus: alioquin ipse extunc ex officii sui debito, ad institutionem ejusdem in prædicta ecclesia faciendam ratione prævia procederet: cui proposito in literis nostris præfato mandato rescripsimus in hæc verba: "Ad quod vobis non tan-
" quam judici nostro in hac parte, sed tanquam amico et
Philipp. ii. 21. " tanquam *ea solum quæ Jesu Christi sunt quærenti*,
1 Sam. xv. 23. " respondemus, quod non minus est *quam quasi*[1] *scelus*
" *idololatriæ* præcipere, obedire in illicitis; et tali
" præceptioni obedire, quam in licitis et canonicis *non*
" *acquiescere* præceptioni. Illicitum autem est omnino
" et contra divinas et canonicas sanctiones, hominem
2 Tim. ii. 4. " *implicantem se secularibus negotiis* et præsertim ex
" potestate et officio laicali inquisitorem de furto, cap-
" torem, incarceratorem, et judicem inventorum denota-
" torum per inquisitionem super hujusmodi crimine,
" viribus et armis et cum effusione sanguinis, si aliter
" capi non possint, malefactorum captorem et captorum
" judicem, pluries commonitum per suum Ordinarium
" ut ab implicatione in his et hujusmodi secularibus
" negotiis se absolveret, hujusmodi monitis non
" obtemperantem; ac pluribus aliis irretitum, quæ non
" solum reddunt eum inhabilem ad curam animarum
" suscipiendam, sed et indignum omni cura pastorali,

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[1] *quasi*] om. C.C.C.$_2$.

"ad curam pastoralem admittere. Dominus autem "Robertus Passelewe prænotatis tam specialiter quam "generaliter est irretitus; quæ omnia, si necesse sit, "coram competenti judice, licet sint notoria, probare "parati sumus. Præcipere igitur nobis ut talem ad "curam pastoralem admittamus aut tali præceptioni "obtemperare, quid est aliud quam *quasi scelus* "*idololatriæ?* Scimus autem quod forma verborum "mandati vestri non prætendit præfatam iniquitatem; "sed res et materia forma illa palliata nihil est aliud "quam quod prædictum est. Formam itaque mandati "vestri, etiam nullo mandante, per gratiam Salvatoris "semper observare proponimus; quia actus officii "nostri canonicis regulis dirigere pro viribus nostris "cupimus; per quarum directionem præfatum dominum "Robertum propter prætactas et alias quamplures "causas ad ecclesiam præfatam admittere recusavimus: "nec potest aliquo modo judicari pastoris negligentia, "sed magis pastoralis officii diligentia, recusatio eorum "ad curam pastoralem, qui *secularibus negotiis* contra "doctrinam Apostolicam et canonicas sanctiones[1] *im*-"*plicantur*, maxime cum caritative pluries præmoniti "ab hujusmodi implicatione se absolvere nolunt. Dis-"cretionem igitur vestram totis caritatis visceribus "rogamus, quatinus præfatum dominum Robertum in "præfata ecclesia non instituatis; quia hoc fieret non "solum in præjudicium nostri, qui in hac parte non "sumus negligentes sed magis diligentes,—quo casu officii "vestri debitum locum sibi juxta canonicas sanctiones "vindicare non potest,—verum etiam in condemna-"tionem æternam ipsius præfati domini Roberti et in "perditionem animarum præfatæ ecclesiæ, in scandalum "cleri, et maxime vestri, de quo certissime præsumere-"tur, quod hoc non faceretis justitiæ zelo, sed solo

[1] *sanctiones*] om. C.C.C., Ox.

" timore regio; diceretur que de vobis illud Jeremiæ,
" quod princeps Cantuariensis provinciæ factus est
Lament. i. 6. " velut *aries non inveniens pascua, et abiens absque*
" *fortitudine ante faciem subsequentis.* Denunciamus
" autem vobis, non tanquam habenti potestatem
" officium episcopale in nostra diœcesi in hoc casu
" exercere, sed tanquam zelatori salutis animarum et
" justitiæ, sæpefatum dominum Robertum esse talem,
" qualem eum supra descripsimus, ut vos, quantum in
" vobis est, a puteo prædictorum malorum eum extra-
Ps. lxviii. 16. " here conemini, antequam *puteus* inferni *urgeat super*
" *eum os suum,* et non sit possibilitas egrediendi."

Lator autem præsentium recessit a nobis ante octo dies completos post mandati officialis vestri prætacti susceptionem; ideo incerti de futuris, vobis in ejus recessu scribere non potuimus quæ dictus officialis erat super prædictis facturus: ex his tamen quæ audivimus, et quæ nobis comminatus est, firmiter credimus quod non obstantibus præscripta responsione nostra et denunciatione et justis appellationibus, ad institutionem præfati Roberti in præfata ecclesia sancti Petri procedet, alias nobis in pluribus gravis existens et injuriosus. Quocirca vestræ paternitati devotissime supplicamus quatinus providere velit vestra discretio, ne vester officialis vestros suffraganeos, quos in suis officiis protegere debetis et præmonere, ab officiis suis et maxime salutis[1] animarum, retardet, aut eis injuriosus existat; ne forte, quod absit, per hujusmodi tepescat adversus vos eorum devotio, et *in gloria vestra macula* ponatur (Ecclus. xxxiii. 24.) Valeat paternitas vestra semper in Domino.

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[1] *salutis*] om. C.C.C. repeating *et maxime*.

CXXVII.

[*Decano et capitulo Lincolniæ.*] 1239?

Moyses, qui tradente Domino susceperat gubernaculum totius populi Israelitici, ut educens eum de Ægypto, et de sub jugo Pharaonis liberans, in terram promissionis introduceret, *sedit a mane usque ad vesperam, ut populum* suæ curæ traditum *judicaret*, nec habuit in judicandi potestatem ministerio secum quemquam participem, donec veniens ad eum Jethro, videns *ultra vires ipsius esse quod solus sustineret negotium* judicandi populum universum, dedit ei consilium *quod ipse esset populo in his quæ ad Deum pertinent, ostendens populo cærimonias*[1], *ritumque colendi, viamque per quam ingredi deberent, et opus quod facerent*[2]; *provideret autem de omni plebe*[3] *viros potentes et timentes Deum, in quibus esset veritas et qui odirent avaritiam, et constituerit ex eis tribunos et centuriones et quinquagenarios et decanos, ut judicarent populum omni tempore; quicquid autem majus foret, referrent ad ipsum Moysen, et ipsi tantum minora judicarent, ut sic levius esset ipsi Moysi, partito in alios onere.* Cujus consilio adquiescens *Moyses, fecit omnia quæ ipse suggesserat, electis viris strenuis* et constitutis in gradibus prænominatis *qui judicabant plebem omni tempore, referentes ad Moysen quicquid gravius erat, ipsi tantummodo faciliora judicantes.* Ab hoc facto proculdubio edocemur, qualis debeat dignitatum et potestatum ecclesiasticarum esse per gradus convenientes distinctio et ordinatio, et quid sit superioris et quid inferioris[4]. Moyses nam-

On the right of the bishop to visit the chapter of his cathedral church.

Exod. xviii. 13, seqq.

From the example of the advice of Jethro to Moses,

we learn the distinctions of ecclesiastical dignities and powers.

[1] *cærimonias*] sermones, Trin.
[2] *facerent*] facere, C.C.C.
[3] *plebe*] populo, Trin., Ox.
[4] *superioris . . . inferioris*] superior . . . inferior, Trin., Ox.

Moses is the type of Christian prelates.

que non solum ex nominis interpretatione gerit typum prælatorum qui assumpti sunt de fluctuatione vanæ conversationis hujus mundi, ut sit eorum conversatio in cælestibus, sed etiam ex ministerio sibi tradito a Domino; ipsi enim[1] sunt quibus Dominus commisit ut educant populum videntem Deum per fidem, et de tenebris peccati et ignorantiæ et per sacramentum Baptismi et pœnitentiæ in terram viventium sibi promissam et cælestem Jerusalem[2] introducant. Pro hoc itaque, quod Moyses *a mane usque ad vesperam sedebat* solus judicans populum, manifeste ostenditur quod ipsius erat plenitudo potestatis omnem populum et singulos de populo judicandi, corrigendi, et reformandi. Non enim usurpavit[3] sibi per actum aliud quam ad se pertinebat per acceptam a Deo potestatem; sed quia solus non sufficiebat ad singulorum tantæ multitudinis disceptationes audiendas et negotia dijudicanda excessusque corrigendos et mores reformandos, ideo nihil sibi de accepta potestate adimens, sed ejusdem potestatis plenitudinem retinens, alios sibi adscivit in partem suæ solicitudinis coadjutores, ne solus sustineret negotium quod ad complendum per actum erat supra vires ipsius solius, sed *levius sibi esset partito onere in alios.* Si enim sic aliis tradidisset judicandi potestatem quod sibi ademisset, non dictum esset ei, *Solus illud non poteris sustinere;* sed dictum esset ei, quod totum aliis traderet qui totum sustinerent. Nunc autem in eo quod dicitur, *Solus illud non poteris sustinere,* evidenter innuitur quod ipse debuit illud sustinere negotium, non tamen solus, sed adjunctis sibi ad sustinendum illud coadjutoribus; nec diceretur ei iterum, *leviusque tibi sit partito in alios*[4] *onere,* nisi et ipse partem oneris deberet supportare, ut plures

In appointing assistants to help in his work he did not give up or diminish his power, but reserved to himself the more important cases.

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[1] *enim*] om. C.C.C.
[2] *Jerusalem*] judicem, Trin., Ox.
[3] *usurpavit*] usurpant, Trin., Ox.
[4] *alios*] aliquo, Trin.

videlicet portarent totum ad quod[1] unius vires non sufficiebant portandum; nec intelligendum est quod in hac oneris partitione sit aliquo modo suæ potestatis judiciariæ et ordinariæ facta in se divisio vel diminutio, sed plenitudine hujus potestatis retenta et de affluentia plenitudinis ejusdem non imminutæ, potestate ad cooperandum in alios transfusa, oneris ministerii per pluralitatem cooperantium partitio. Hæc enim ex subsequentibus in libro Numerorum satis sunt manifesta. Cum enim flagraret populus desiderio carnium, flens et *recordans cibariorum Ægypti*, manna fastidito, et inde affligeretur Moyses, ait ad Dominum, *Non possum solus sustinere omnem hunc populum, quia gravis mihi est;* quasi diceret, *Omnem hunc populum solus sustineo.* Quod utique non dixisset nisi onus populi adhuc sustinuisset; nec dixisset se solum sustinere, quia jam ut dictum est, partitum erat in plures, nisi reputaret se in illis pluribus totum facere quicquid illi de sua faciebant potestate, ut in eorum opere ipse esset semper inclusus et numquam exclusus, et nisi respectu aliorum[2] tantum plus illis laboraret in onere populi supportando quod earum labor in hac parte quasi nihil esset laboris comparatione[3] sui. Quæ etiam ex verbis Domini consequentibus ita se habere satis manifestum est; ait enim Dominus consequenter ad Moysen, *Congrega mihi septuaginta viros de senioribus Israel quos tu nosti quod senes populi sint ac magistri; et duces eos ad ostium tabernaculi fœderis, faciesque ibi stare tecum, ut descendam et loquar tibi; et auferam de spiritu tuo tradamque eis, ut sustentent tecum onus populi, et non tu solus graveris.* In his namque verbis evidenter ostenditur quod in alleviationem

Num. xi. 1, seqq.

[1] *quod*] quos, Trin., Ox.
[2] *respectu aliorum*] una aliquorum, Trin.
[3] *comparatione*] cooperatione, C.C.C$_2$., Trin., Ox.

sui oneris[1] dati sunt ei coadjutores, tradita eis[2] parte spiritus ejus, et non totalitate, ut sicut dicit Augustinus super eundem locum, et isti haberent quantum Deus vellet, non ut[3] ideo Moyses minus haberet. Spiritalis igitur potestatis sibi divinitus traditæ ad regendum populum sibi commissum totalitatem retinuit; et tum operante Domino de ejusdem potestatis influentia unusquisque sibi adjunctorum in adjutorium oneris sustentandi, unde cum eo onus sustentaret, suscepit; nec recepit quisquam eorum, nec etiam omnes simul, spiritus Moysi plenitudinem. Non enim ait Dominus, *Auferam spiritum tuum tradamque eis*, sed, *Auferam de spiritu tuo;* per hoc reservans aliquid potestati Moysi quod non committeret inferiori.

The same is true of the prelates.

Prælatus igitur, cujus typus est Moyses, non minutus potestate data aliis de spiritu suo in omnes suos subditos, plenam habet ordinariam et judiciariam potestatem, ac per hoc plenam correctionem et reformationem. Quia tamen, præ multitudine subditorum curæ suæ, ad instar Moysi non potest onus totius multitudinis per singula solus sustinere, adduntur sibi inferiores in adjutorium oneris secum[4] ferendi, recepta potestate ad hoc faciendum de influentia potestatis prælati, ut[5] quicquid faciunt in ministerio ferendi oneris, de prælati faciant potestate, ut ipse prælatus magis sit qui operetur in eis quam ipsi qui operentur. Quemadmodum cum speculum recipiens incidentiam radiorum solis eosque reflectens, et loca[6], in quibus radii solares directi per interpositionem corporis obscuri non incidunt, illustrans tota, hæc illustratio magis est opus solis quam speculi, imo vere tota est opus solis; vere namque solaris radius est qui loca illustrat, ad quæ

Example of a mirror reflecting the sun's rays.

[1] *oneris*] operis, Trin.
[2] *eis*] a, Trin.
[3] *ut*] om. C.C.C.
[4] *secum*] similiter, Trin.
[5] *ut*] et, Trin.
[6] *loca*] om. Trin.

reflectitur[1] ex speculo; et quemadmodum, remoto interposito obscuro, radius solaris directe incidens in loca ad quæ prius directe non potuit incidere, sed solum per reflexionem a speculo ad ea illustranda pertingere illa loca, splendidius illustrat directa sui incidencia quam illustrarentur reflectione sola[2] a speculo facta; (nec directam enim irradiationem tollit aut minuit radiatio reflexa;) sic prælatus bonus remotis aliarum occupationum interpositionibus propter quas non potuit aliquando in aliquibus sibi subditis suæ potestatis administrationem per seipsum exercere, sed per alios quibus de sua potestate erat hoc traditum, ipse per se in eisdem propriæ potestatis administratione propria, illustrationem operatur erroris, ignorantiæ, atque peccati tenebras fortius et efficacius purgantem inferioribus, qui de sua receperunt potestate hujusmodi superioris operationem, non rebellantibus nec eam in quoquam impedientibus aut imminuentibus. Quid enim monstruosius quam idem sibi ipsi rebellare et se ipsum impedire vel imminuere aut etiam de medio auferre? quod proculdubio fit cum inferior potestas superioris potestati contradicit aut eam adnullare contendit[3], cum, ut supradictum est, ipsa inferioris potestas nihil est nisi superioris. Præterea cum inferior potestas contendit superiorem imminuere aut tollere, cum ipsa nihil sit nisi de superiore, quid aliud facit quam insanientis more seipsam conatur detruncare aut perimere[4]? Imminuta autem aut desiccata fontis scaturigine, necesse est etiam rivum imminui aut desiccari. Potest igitur superior potestas quicquid potest potestas sibi subjecta; sed non convertitur[5]; ait enim, ut supra dictum est, *Auferam de spiritu tuo, tradamque eis*, et non ait,

What the inferior power can do the superior can; but not the contrary.

[1] *reflectitur*] reficitur, Trin.
[2] *sola*] sua, Trin.
[3] *contendit*] intendit, Trin.
[4] *perimere*] pertinere, Trin., C.C.C.; corrected in Ox. by Gascoigne.
[5] *convertitur*] convertite, C.C.C.

Auferam spiritum tuum. Quod etiam ex verbis Exodi supratactis planum est; ait enim Jethro ad Moysen, *Quicquid autem majus fuerit referatur ad te, et ipsi minora tantummodo judicent;* et paucis interpositis subjungitur, *Quicquid autem gravius erat, referebant ad Moysen, faciliora tantummodo judicantes.* Planissimum est itaque quod tantummodo minora et faciliora possunt illi dijudicare, ac per hoc corrigere et reformare, qui nunc in ecclesia vicem et locum obtinent *tribunorum, centurionum, quinquagenariorum, et decanorum;* quos constat esse qui assumpti sunt in partem sollicitudinis prælatorum, reservatis judicio, correctioni, et reformationi prælatorum majoribus et gravioribus. Hoc namque modo concordat ecclesiasticæ Hierarchiæ ordinatio cum Hierarchia cælesti, in qua quicquid potest inferior ordo, potest et superior, et non e converso. Reservantur etiam solis prælatis per locum prædictum Exodi ea negotia quæ sunt universitatis; sicut notat Augustinus super eundem locum sic inquiens: "Quod vero adjungit? *Esto tu populo in his* " *quæ ad Deum sunt et referes verba eorum ad* " *Deum; et testaberis præcepta Dei et legem ejus, et* " *demonstrabis eis vias in quibus ambulabunt in* " *eis, et opera quæ facient;* cum populo universo hæc " agenda esse demonstrat. Non enim ait, Uniuscu- " jusque verba referes ad Deum, sed *verba eorum*, cum " supra dixisset, *Esto tu populo in his quæ ad Deum* " *sunt.* Post hæc admonet ne singulorum negotia, quæ " inter se habent, deserantur, electis scilicet potentibus " viris, Deum colentibus, justis, et qui oderint super- " biam, quos constituat, alios super millenos, alios " super centenos, alios supra quingenos, alios supra " denos." In his itaque verbis Augustini satis patet, quod tantum singulorum et non universitatis negotia inferioribus judicibus commissa sunt, licet non omnia, quia, ut supradictum est, non majora et graviora; negotiis universitatis reservatis ipsi Moysi, atque per

S. Aug. Quæst. in Exod. 69. Opp. iii. 441.

Only individual cases are committed to the care of inferior judges; for

hoc nunc in ecclesia ipsis[1] prælatis. Si enim aut universus populus unius diœceseos aut totum capitulum unius ecclesiæ delinquat, potest enim universitas delinquere, alioquin non præciperetur in Levitico, quod omnis turba filiorum Israel offerret vitulum pro peccato ignorantiæ, aut negotium aliquod habeat et causam cum alio; quis hujusmodi delictum corriget aut causam discutiet, nisi prælatus qui præest? Unus enim aliquis de universitate, qui caput universitatis non est, non[2] potest ipsius universitatis judex et corrector esse, cum minor non possit majorem dijudicare, nec ut judex corrigere seu punire; pars autem suo toto minor est. Sed ad caput pertinet de toto residui corporis per virtutem discretivam judicium, sensificatio quoque totius per communem sensum, et motio per virtutis motivæ imperium. Sic et prælati solius ejus corporis, cujus est caput, est[3] judicium, et per potestatem ordinariam sensata motio ab errore ad verum, a distorto ad rectum, a pravo ad bonum.

If a whole diocese or a whole chapter goes wrong, Levit. iv. 13–17. only the prelate can judge it.

Ex præmissis itaque colligitur quod prælatis reservantur majora et graviora onera[4], omnium et singulorum negotia insuper et judicia, ac per hoc correctiones universitatum ; sed ne graventur supra vires suas, adduntur eis coadjutores de eorum potestate participantes ad supportandum cum eis onerosam[5] multitudinem negotiorum minorum et faciliorum, singulos multitudinis, non multitudinem totam tangentium, in nullo tamen potestate imminuta: unde tamen expedire viderint, possunt et debent etiam minora[6] et quorum expedire viderint negotia dirigere et qualiter dirigantur et peragantur ab assumptis in parte suæ sollicitudinis coadjutoribus non negligenter, sed vigilanter et diligenter, perscrutari atque prospicere,

To the prelates therefore is reserved the judgment and correction of all cases both individual and universal, their coadjutors sharing in their burdens, but in no way diminishing their power.

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[1] *ipsis*] ipsius, C.C.C.
[2] *non*] om. C.C.C.
[3] *est*] et, Trin.
[4] *onera*] omnia, Trin., Ox.
[5] *onerosam*] numerosam, Trin.
[6] *minora*] om. Trin.

inventas quoque negligentias atque defectus supplere atque errata corrigere, deformata reformare, bene inchoata promovere, et promota ad consummationem producere. Propter hæc, ad instar prædictæ ordinationis in veteri Testamento factæ, dominus Papa, qui est in omni domo Domini fidelissimus et in omni populo ejus velut Moyses, quem constituerat Dominus *servum suum in omni domo sua fidelissimum* et principem super omnem populum suum[1] Israeliticum, plenitudinem habet potestatis *super gentes et super regna; ut evellat et destruat et disperdat et dissipet et ædificet et plantet.* Potestque de sua potestate tam universitatum quam singulorum, tam majorum quam minorum, majora et minora negotia omnia dijudicare, corrigenda et reformanda corrigere et reformare. Sed quia præ multitudine subditorum solus non potest per actum, quod tamen potest per potestatem, onus universorum et singulorum sustinere, assumpti sunt in parte suæ sollicitudinis ecclesiarum prælati, videlicet, episcopi, ut participantes de suæ potestatis plenitudine secum sustentent onus suum, ut levius sit ei, partito in alios onere, perfectiusque compleatur, quod supra vires unius esset per actum complere; reservatis sibi quibusdam majoribus, quæ potest ipse solus, et quæ de potestate episcopali derivata a potestate apostolica nullus potest episcopus. Hoc enim exigit ordo rationis et naturæ, ut virtus influens plus possit quam recipiens de influentia et potens solum ex eo quod ab influentia recepit; plus enim possunt Seraphin quam[2] Cherubin, et plus in illuminando et calefaciendo potest sol quam possint luna vel stellæ, quæ non lucent nisi a sole: sicut autem dominus Papa se habet ad universalem ecclesiam in potestatis plenitudine, sic se habet episcopus in potestate accepta a potestate apostolica ad suam diœcesim, cum episcopus sic sit in sua diœcesi, tanquam

The pope, then,

Num. xii. 7.

Jer. i. 10.

and the bishops have corresponding power to Moses and his assistant judges.

As the pope is to the whole church, so is each bishop to his own diocese.

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[1] *suum*] om. Ox. | [2] C.C.C., Ox. insert *possit*.

Moyses *fidelissimus servus Domini* in omni bono populi Israelitici; exceptis igitur his quæ domino Papæ tantum reservantur, omnia potest episcopus in sua diœcesi quæ competunt curæ et saluti animarum et causarum ecclesiasticarum decisioni. Quia tamen solus non potest onus totius diœcesis sustinere, licet ejus sint omnia, exceptis prædictis de ordinaria potestate, adjuncti sunt etiam episcopis in sustinendo onere coadjutores, de episcopali potestate ad onus sustinendum participantes; qui iterato coadjutores, si et ipsi non possint onera sua soli sustinere, sub se habent alios ad onus comportandum, et sic donec perveniatur ad infimos, qui præ levitate et parvitate oneris ad ejus sustentationem valeant sufficere; semperque superiori potestati reservantur multa, quæ non potest[1] potestas inferior; nunquam tamen aufert sibi superior quod potest inferior de ejusdem superioris sola potestate. Quis enim bonum suum[2], quod sibi potest retinere integrum, et tamen illud cum alio communicare, ita illud cum alio communicat, quod idem sibi imminuat? Numquid sol sic illuminat lunam ad lucendum in solis absentia per noctem, ut sibi detrahat de suo lumine?

Num. xii. 7.

The bishop takes to himself helpers for his work, and they others for theirs, and so down to the lowest, many things being still reserved to the superior power.

Accidit autem plerumque quod aliquis inferior vel totam suam potestatem vel partem ejus accipit a potestate superiori mediata, inter quam videlicet et ipsum inferiorem est una vel plures mediæ potestates, velut rectores et vicarii ecclesiarum parochialium, qui potestatem regiminis animarum quam habent totam accipiunt ab episcopo, inter quos tamen et episcopum sunt mediæ quædam potestates, videlicet, decani rurales et archidiaconi, quibus rectores et vicarii ex ordinatione episcopi sunt subjecti. In quibusdam etiam episcopatibus decani rurales constituuntur sub[3] archidiaconis per episcopum tradentem eis quicquid habent potestatis.

A possible objection in the case of inferiors receiving their power from a power between themselves and the highest, as, for instance, rural deans,

[1] *potest*] om. Trin.
[2] *suum*] om. C.C.C.
[3] *sub*] super, Trin.

In hujusmodi igitur potestatibus inferioribus suscipientibus id potestatis quod habent non a superiori potestate immediata, sed a mediata, potest accidere quod aliquid possit illa potestas inferior quod non possit illa quæ sibi est immediate superior. Potest enim ipsa potestas superior mediata de suæ potestatis abundantia tribuere inferiori, quod non tribuit ejusdem inferioris immediato superiori. In hujusmodi igitur non est instantia contra id quod supradictum est, videlicet, quod quicquid potest potestas inferior, potest superior, sed non convertitur. Intelligendum est enim hoc de illa [1] potestate superiori respectu suæ inferioris quæ inferiori tribuit id quod habet potestatis. Propter hoc aliqui etiam episcopis subditi possunt quod non possunt episcopi, utpote patres abbates Cisterciensis ordinis possunt suas filias domos visitare, quod tamen non possunt episcopi, quibus illi abbates sunt subditi, utpote quibus in sua benedictione promittunt canonicam obedientiam salvo ordine suo. Indulsit enim hoc ordini Cisterciensi potestas superior episcopis, scilicet dominus Papa, qui cum eis hoc tribuit se ipsum ab hoc non exclusit; potest enim ipse monasteria omnia visitare. Igitur, secundum consequentiam prædictorum, episcopus in omnes jure diœcesano sibi subjectos potest et debet exercere visitationis officium, omniumque corrigenda et reformanda corrigere et reformare, omniumque causas omnes potest de sua potestate discindere, licet forte ad eas omnes descindendas non possit solus sufficere. Ideoque habeat de sua potestate participantes coadjutores in supportando hoc onere, qui majora et [2] graviora omnia et universitatum negotia debent ad ipsum referre; nisi forte fuerint sub episcopo potestates aliquæ a superiori potestate quam sit [3] episcopus, id

or abbats of Cistercian houses.

But this is a special privilege given by the Pope.

[1] *illa*] om. Trin. Ox.
[2] *et*] om. Trin.
[3] *sit*] simul, Trin.

est, a domino Papa, vel totum vel partem suæ potestatis recipientes, et ab ipsius potestate[1] habentes indulgentias sibi vel suis subditis vel utrisque, ne in prædictis vel eorum aliquibus vel aliquo sint subjecti episcopo. Igitur si in hac parte careant decanus et capitulum omnesque eorum subditi domini Papæ privilegio eos eximente ab episcopo, injuste rebellant et contradicunt, ne episcopus in eos et eorum subditos prædicta exerceat; non possunt allegare exemptionem et immunitatem in hac parte per alterum quam per dominum Papam propter prædictas rationes. Si enim non potest quis episcopus, ut prædictum est, suam potestatem sic aliis assumptis in sui ministerii adjutorium[2] influere, ut ipsemet eam sibi imminuat; multo fortius non potest eam imminuere suo successori. Actum quidem potestatis suæ potest episcopus in sui oneris alleviationem aliis tradere, et ita actum suæ potestatis sibi minorem ad laborem facere, sed ipsam sibi imminuere nequaquam potest absque ipsius voluntate qui eam potestatem sibi tribuit, hoc est, absque voluntate domini Papæ. Cum enim a potestate apostolica derivetur in episcopos episcopalis potestas, quemadmodum in ipsum apostolicum a[3] Christo potestatis plenitudo, et hoc utique in animarum salutem, si episcopus absque domino Papa potestatem episcopalem sibi imminueret, domino Papæ in hoc derogaret; sicut, ut supradictum est, episcopi assumpti sunt ut onus domini Papæ cum ipso sustentent, et ad hoc faciendum de suæ potestatis plenitudine accipiunt potestatem. Si igitur quod acceperunt a domino Papa, et a Christo per ipsum medium, ad sustentandum cum ipso onus ministerii salutis animarum pro quibus Christus mortuus est, sine ipso sibi imminuant, cum hoc non fuerit in intentione tri-

If then the dean and chapter have no special exemption from the Pope, they must be subject to the bishop's visitation; for a bishop cannot diminish his own powers.

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[1] *potestate*] om. C.C.C., Trin.
[2] *ministerii adjutorium*] adjutorii ministerium, Trin.
[3] *a*] in, Trin.

buentis hujusmodi potestatem, et cum per hujusmodi potestatis diminutionem efficiantur minus validi ad comportandum onus cum suo superiori, ad quod tamen efficacius et validius supportandum cum eo acceperunt potestatem episcopalem, ab eo nomine evidenter injuriantur ei a quo potestas eis est collata. Si ego portans lignum mei solius viribus nimis onerosum, et propter hoc in alleviationem oneris mei te advocans ad comportandum mecum, tribuerem tibi, si possibile esset, magnam partem mearum virium, illis tamen mihi non imminutis, et tu eas ad hoc reciperes ad quod illas tibi tribuerem, nonne[1] mihi esses injuriosus, si tibi sic attributas a me vires absque me imminueres? Si rex tradat sub manu ducis alicujus mille armatos ad comprœliandum tamen regis prælium, et dux ille imminuat sibi quingentos de illis armatis, nonne[2] multum injuriatur regi?

Examples, a porter giving part of his strength to an assistant, or a king to his general.

At forte dicet aliquis, Hoc quod imminuit sibi dux hujusmodi vel ligni comportator, si aliis id tribuat in adjutorium ejus a quo ipse suscepit, qui tantum vel[3] amplius juvavit, quantum juvare posset talis dux vel ligni comportator per id quod sibi imminuit, si sibi id reservaret, in nullo injuriatur, vires vel militiam[4] prædicto modo tribuenti.

Objection, what injury is done, if the porter or king be equally assisted?

Sed hæc responsio minus valida est, cum liquidum sit, quod absque voluntate superioris tribuentis non debet suscipiens imminuere sibi susceptum in superioris adminiculum, licet quod sibi imminuat in idem adminiculum aliis tradat; unde enim scit is[5], qui[6] sic suscipit et tradit, quod superior tradens hoc gratum habebit et quod hi qui ab eo suscipiunt primum tradentem fideliter juvabunt? Quod si acciderit, videlicet,

Answer to this.

[1] *nonne*] non, C.C.C.; nonne in me, Trin.
[2] *nonne*] in me, Trin.
[3] *vel*] et, Trin.
[4] *militiam*] malitiam, Trin.
[5] *is*] hiis, C.C.C.
[6] *in . . . . qui*] om. Trin.

quod primum tradentem[1] minus viriliter et fideliter juverit, cum vires sibi imminutas non poterit resumere is qui eis tradendo eas sibi imminuit, ac per hoc nec eorum supplere defectum; manifestum est quod tali virium imminutione minus adjutus est et alleviatus tradens primus, ac sic[2] per medium tradentem injuriose gravatus. Præterea qui a primo tradente suscipit et aliis tradit[3] cujusque operis potestatem, utpote episcopus a domino Papa suscipiens et tradens inferioribus animarum rectoribus potestatem ministeriorum salutis animarum, nonne[4] prudentius, salubrius, et in alleviationem oneris domini Papæ, cujus est omnium ecclesiarum et omnium animarum summa sub cælo sollicitudo, efficacius tradet suis inferioribus, ad comportandum suum et domini Papæ onus, partem suæ potestatis suam sibi non imminuendo, cum hoc possit facere et debeat secundum doctrinam Scripturæ, quam suam sibi imminuendo et detruncando? Si dominus Papa, qui a Jesu Christo, cujus vicem gerit, recepit plenitudinem potestatis, eam sibi imminueret absque mandato Jesu Christi scientis ob quam utilitatem mandaret eam imminui, nonne faceret hoc in injuriam Jesu Christi? A simili si episcopus potestatem quam accepit a domino Papa, et a Jesu Christo per domini Papæ mediationem, imminuat sibi absque consensu et confirmatione domini Papæ scientis ob quam utilitatem ecclesiasticam hujusmodi approbat et confirmat potestatis diminutionem, in magnam faciet hoc domini Papæ injuriam, et per consequens in gravem Domini nostri Jesu Christi contumeliam. Nihil igitur est quod allegari potest[5] veraciter ad diminutionem potestatis

The Pope cannot diminish his power, which he has from Christ, nor a bishop his, which he has from the Pope.

[1] *fideliter . . . . tradentem*] om. C.C.C.

[2] *sic*] si. Trin.

[3] *suscipit . . . . tradit*] suscepit . . . . tradidit, Trin.

[4] *nonne*] immo, Trin.

[5] *allegari potest*] om. Trin.

episcopalis quam episcopus habet a jure communi, quam eandem habet a domino Papa et a Jesu Christo per ipsius medium, nisi per dominum Papam, cujus est potestatis plenitudo alicujus quod dat jus commune, ab episcopali potestate facta [sit] decerptio, propter notam ei et non discutiendam ab aliis utilitatem ecclesiasticam, hujusmodi decerptionis bonam habentem recompensationem. Quod etiam non debeat quis potestatem suam sic alii tradere, quod eam sibi imminuat, et maxime si est potestas talis quæ potest alii tradi et tamen integre retineri, habetur ex Ecclesiastico ubi dicitur: *Audite magnati et omnes populi, et rectores ecclesiæ auribus percipite; filio et mulieri, fratri et amico, non des potestatem super te in vita tua; et non dederis alio possessionem tuam; ne forte pœniteat te, et depreceris pro illo. Dum adhuc*[1] *superesset aspirans, non immutabit te omnis caro. Melius enim ut filii tui te rogent, quam te respicere in manus filiorum tuorum. In omnibus operibus tuis præcellens esto; ne dederis maculam in gloriam tuam.* Quomodo maculam in gloriam suam non daret, si potestatem sibi desuper traditam quis imminueret? Quis etiam in manus filiorum non respiceret episcopus, si nil posset nisi per aliorum ministerium? Nunquid si possibile esset radices arboris frondere, florere, et fructificare, sic ista traderent ramusculis, ut[2] adimerent eadem sibi ipsis?

This is shown from Ecclesiasticus,

Ecclus. xxxiii. 19-24.

Hæc prædicta ecclesiasticarum potestatum ordinatio in scriptura Exodi continetur, in loco, videlicet, commemorationis exitus Israel de Egypto, unde videtur pars pacti esse quod pepigit Dominus cum filiis Israel; quod pactum qui transgreditur, Dei maledictioni subicitur. *Verbum enim factum est ad Jeremiam a Domino dicens; audite verba pacti hujus et loqui-*

and from God's covenant with the Israelites, Exod. xxix. 44. Jer. xi. 1-4.

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[1] *adhuc*] om. Trin.
[2] *ut*] om. Trin.

mini ad viros Juda et habitatores Jerusalem, et dices ad eos; Hæc dicit Dominus Deus Israel; Maledictus vir qui non audierit verba pacti hujus, quod præcepi patribus vestris, in die qua eduxi vos de terra Egypti, de fornace ferrea, dicens; Audite vocem meam et facite omnia quæ præcepi vobis. Si igitur prædicta dispositio ecclesiasticarum potestatum sit pars prædicti pacti, cujus prævaricatores sunt sub maledicto, liquidissimum est quod non licet istud pactum prævaricari. Si autem dicat aliquis pactum prædictum non continere nisi legis decalogum, nec sic videntur a prædicta maledictione filii liberi qui patris legitimam potestatem in ipsos contendunt imminui aut tolli. In decalogo namque præceptum est parentes carnales honorare, et in hoc multo amplius spiritales. Sed qui patris legitimam potestatem super se minorare aut tollere contendit, quomodo non patrem inhonorat? Omnis autem potestas quam jus commune dat episcopo in suos subditos est legitima potestas patris in filios; ergo subditi episcoporum nitentes eis auferre quod tribuit eis jus commune, præsertim cum de juris communis amplitudine nihil est ipsis episcopis coartatum de superioris, hoc est, domini Papæ, ordinatione, evidenter convincuntur parentes inhonorare, ac per hoc, cum pactum decalogi transgrediantur, prædictam maledictionem incurrere aliasque quamplurimas Scripturæ, quas recitare non est necesse.

which embraces also the arrangement of ecclesiastical powers,

as the 5th commandment applies more strongly to spiritual than to natural parents.

Ad hæc episcopus[1] majoribus ecclesiæ negotiis aut inevitabilibus et rationalibus causis non præpeditus, jure diœcesano sibi subjectos et ab ipso non exemptos absque animæ suæ discrimine non potest non visitare, ut errata corrigat et reformanda reformet. Pastor namque ovium *cujus sunt oves propriæ*, qui sic affectus est ad eas quod animam suam pro eis semper paratus est[2]

Hence a bishop is bound to visit all in his diocese not exempted, as a shepherd his flock.

S. Joh. x. 12.

[1] *Ad hæc episcopus*] om. C.C.C. | [2] *est*] sum, Trin.

ponere, præponens earum salutem æternam vitæ propriæ temporali, qui etiam superiori pastori, in quo ipse est pastor, debet de ovibus omnibus rationem reddere, qualem pastorem constat bonum episcopum esse, nunquid non potest de jure eas omnes visitare, cum *omnes sint ejus propriæ?* aut nunquid non vult eas visitare, cum sit solicitior de earum quam de vitæ suæ temporalis salute? Aut nunquid saltem quando potest opportune, non præpeditus [1] majori occupatione, non habet necesse eas visitare, cum teneatur de eis rationem reddere Ei, videlicet, quem nec ovis minimæ pili minimi deperditio potest latere, qui nec perditionem hanc contingentem per pastoris negligentiam impunitam vult relinquere, cum quamlibet ovium sic diligat, quod quamlibet emerit [2] toto pretio suæ vitæ pretiosissimæ traditæ morti turpissimæ et acerbissimæ? Imo quid aliud in hac parte credi potest, quam quod ex debito rationis reddendæ pro ovibus habet necesse eas visitare, maxime si, ut supra diximus, non sit detentus majori occupatione; et quia habet hoc in necessitate, et quia *oves ejus sunt propriæ,* potest eas visitare de jure, quod constat pastorem bonum ardenter velle facere, cum earum salutem præponat vitæ propriæ; et quia tanta incumbit pastoribus visitandi gregem necessitas, tantaque inesse debet voluntas, cum sit de jure potestas, terribiliter minatur Dominus pastoribus non visitanti-
S. Luc. xi. 23. bus, et non visitando gregem dispergentibus, quia *qui* [3] *cum eo non colligit dispergit,* per Jeremiam dicentem,
Jer. xxiii. 1, 2. *Væ pastoribus qui dispergunt et dilacerant gregem pascuæ meæ, dicit Dominus. Ideo hæc dicit* [4] *Dominus Deus Israel ad pastores qui pascunt populum meum; vos dispersistis gregem meum, ejecistis eos, et non visitastis eos. Ecce ego visitabo super vos malitiam*

[1] *præpeditus*] preditus, C.C.C.
[2] *emerit*] om. C.C.C$_2$.
[3] *qui*] om. C.C.C., Trin.
[4] *dicit*] om. C.C.C., Trin.

studiorum vestrorum, ait Dominus. In his verbis evidenter ostenditur væ æternæ damnationis affuturum super pastores gregem pascuæ Domini dispergentes, dilacerantes, et eicientes: et qui sint pastores qui gregem Domini dispergunt, dilacerant, et eiciunt, aperte manifestatur, cum subditur, *Et non visitastis eos;* ac si diceretur, Eo quod [1] oves non visitastis, dispersistis, dilacerastis, et ejecistis eas. Cum enim pastor oves non visitat, quid aliud facit quam non visitando per campos licentiæ sinit eas evagari, et evagando per varias voluptates et concupiscentias in regione dissimilitudinis dispergi, dispersas quoque a bestiis dilacerari. De quibus bestiis dicitur, *Ne tradas bestiis animas confitentes tibi* et dilaceratas [2] tandem in tenebras exteriores proici [3]. Sinendo autem hæc mala per visitandi omissionem ovibus accidere, rite dicitur, eadem mala facere; quemadmodum gubernator navis non recte dirigens gubernaculum navem dicitur evertere, qui recta gubernaculi directione posset eam ab eversione salvasse. Quia igitur hæc mala perpetrant pastores, dum oves non visitant, justo judicio *visitabit Dominus super eos malitiam studiorum suorum.* Et quorum studiorum nisi illorum, quorum occupatione minus utili a visitationis officio male cessant et avertuntur? Habent igitur pastores maximam et evidentissimam visitandi necessitatem, ut tam grex quam ipsi vitent æternam damnationem. Per Ezechielem quoque manifestat Dominus, quod pastoris est officium pecus *infirmum consolidare, ægrotum sanare, fractum alligare, abjectum reducere, quod periit quærere, pingue et forte custodire;* sed quomodo hæc pastor distincte faciet, nisi prius has pecorum differentias in pecoribus per eas distinctis agnoscat? Quomodo autem has agnoscet differentias in pecoribus distinctis per eas, nisi visita-

Threats against pastors who do not visit, and so scatter their flocks.

Ps. lxxiii. 19.

Jer. xxiii. 2.

Ezech. xxxiv. 4, 16.

A pastor cannot do his duty to his flock without visiting it.

[1] *Eo quod*] eos, Trin.
[2] *dilaceratas*] dilacerantes, Trin.
[3] *proici*] om. Trin. C.C.C.; inserted in Ox. by Gascoigne.

tionis et inquisitionis officio? Liquere satis videtur,[1] quod non aliter, aut quod non tam liquido agnoscet aliter; unde et in eodem Ezechielis capitulo, ipse Dominus princeps pastorum, in quo omnes pastores sunt unus pastor, et qui operatur in eis opus pastorale, ut ipsi non sint qui operantur, sed ipse qui operatur in eis, sicut nec ipsi sunt qui loquuntur, *sed Spiritus Patris qui loquitur in eis*, in se alios adunans pastores, quod visitare debeant, et qualiter visitare debeant, ostendit dicens, *Ecce ego ipse requiram oves meas, et visitabo illas*; *sicut visitat pastor gregem suum, in die quando fuerit in medio ovium suarum dissipatarum, sic visitabo eas et liberabo eas*[2] *de omnibus locis in quibus dispersæ fuerant in die nubis et caliginis.* Ecce quod oportet pastorem animarum eas visitare, et etiam sic visitare eas *sicut pastor visitat gregem suum in die quando fuerit in medio ovium suarum dissipatarum.* Pastor autem ovium eas in die visitat, ut in luce diei eas earumque differentias absque errore cognoscat, et maxime cum est *in medio ovium suarum dissipatarum*, tunc festinanter discurrit; omnia scrutatur diverticula; donec dissipatas invenerit et inventas reduxerit. Sic igitur pastor animarum eas visitat in die, id est, in luce inquisitionis, donec in luce inquisitionis[3] eas earumque noverit differentias, et maxime cum est in medio animarum per vitia discordantia et morum dissimilitudinem dissipatarum, tunc omnia diligenti inquisitione perscrutatur, donec sic dissipatarum mores agnoverit, et ad virtutum concordiam et unitatem reduxerit, et sic visitans liberaverit dissipatas a diversis locis dispersionis, id est, a diversis illicite concupitis. Ibi enim, quasi in loco, dicitur esse anima, ubi est res ab ipsa plurimum concupita. Incidit[4] autem

S. Matt. x. 20.

Ezech. xxxiv. 11, 12.

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[1] *videtur*] videndum, Trin.

[2] *et liberabo eas*] om. C.C.C.

[3] *donec . . . inquisitionis*] om Trin. C.C.C.

[4] *Incidit*] Indicit, Trin.

anima decepta in hæc loca *in die nubis et caliginis*, id est, in quadam imaginaria apparentia, qua concupita apparent esse vera bona, obumbrata nube et caligine erroris et ignorantiæ. Si igitur pastor corporalium ovium eas tanta sollicitudine tantoque labore visitat, quanto majoribus sollicitudine et labore oportet pastorem spiritalium ovium, pro quibus Christus mortuus est, pro quibus et ipse pastor debitor est animam ponere, oves visitare, et visitando eas quæ perierunt quærere, donec invenerit, et inventas reducere, etiam si opus fuerit, ad imitationem summi Pastoris, propriis humeris reportando.

In eodem etiam Ezechielis capitulo dicit Dominus in persona pastoris, quod *Ipse pascet oves suas*[1] *in judicio et justitia, et quod Ipse judicat inter pecus et pecus, arietum et hircorum.* In quo ostenditur, quod gregis pastus consistit non solum in scientia et doctrina, sed etiam in judicio et justitia; et quod[2] pastoris sic inter pecus et pecus dijudicatio. Dijudicare autem inter duo quis poterit, nisi eorum differentias et discretiones agnoverit? Ad pastorem igitur spiritalium ovium spectat, earum differentias et proprietatum discretiones agnoscere, quarum agnitio, exceptis notoriis et sponte confessis, haberi non poterit, nisi inquisitione vel probatione. Perfecta igitur ovium custodia et conservatio nequaquam carebit solicitæ visitationis et diligentis inquisitionis officio. Episcopus igitur prædicto modo non præpeditus, visitabit oves suas, a se per privilegium Apostolicum non exemptas, videlicet, tam capitulum ecclesiæ suæ, et alios ministros ecclesiæ, ministros quoque ecclesiarum, præbendalium dignitatum, et communæ, quam ecclesiarum aliarum conventualium et parochialium; et inter cæteros visitandos maxime debet proprium visitare capitulum, cum ipsum capi-

Ezech. xxxiv. 15–17.

In what the feeding a flock consists.

[1] *suas*] meas, Trin., Ox. | [2] *et quod*] quodque, Trin.

tulum alium non habeat visitatorem, excepto domino Papa et archiepiscopo, si tamen ad ipsum pertineat hujusmodi visitatio: decanus namque ipsum capitulum visitare non potest; verbum enim *visitare*[1] verbum est frequentativum[2]; frequentatio autem est non unius actus[3] continuatio, sed actus intercisi multiplicata repetitio. Pastores autem proximi et immediati sunt continui gregis visores; propter hoc enim continue resident, ut gregem continue videant et continue pascant et curent. Igitur continue visores gregis sunt, non visitatores. Episcopus vero, cui committitur cura omnium animarum totius episcopatus, propter multitudinem ovium et latitudinem habitationis earum necesse habet, quia pastor est, ovium omnes videre; et quia præ earum multitudine et habitationis earum latitudine non potest simul et continue omnes videre, necesse est ut nunc has nunc illas videat, et harum visionem per aliarum visionem interrumpat, et interruptas visiones frequenter repetat, et sic omnes visitet. Alioquin habebunt solum continuos visores, nunquam autem visitatorem. Decanus itaque, qui curam immediatam habet capituli, et ad continuam tenetur in ecclesia cathedrali residentiam, non poterit ejusdem esse visitator; similiter neque clericorum chori, sive habeat eorum curam pastoralem, sive non. Si enim habeat eorum curam supradictam, ratione eorum visitator non est. Si vero animarum earum curam non habet, tunc non sunt ejus oves, ac per hoc neque ad illum pertinet earum visitatio. Quis enim non suas oves visitat, nisi forte commissa fuerit ei ab eo, cujus sunt propriæ, earum visitatio? Quis autem habeat curam animarum immediatam de dignitatibus et præbendis et communa, exceptis vicariis, non satis liquidum esse videtur. Canonicus

The difference between *visor* and *visitator*.

The dean, who always resides in the cathedral, cannot be its visitor.

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[1] *visitare*] visitandi, C.C.C., Ox.
[2] *frequentativum*] frequentantium, C.C.C., Ox.
[3] *actus*] om. Trin.

enim non videtur habere curam animarum ecclesiæ dignitatis vel præbendæ; quia si habet hujusmodi curam, tenetur ibi ad residentiam, et nihilominus tenetur ad residentiam[1] in cathedrali ecclesia[2] quæ sunt incompassibilia. Ergo si constat quod tenetur in ecclesia cathedrali residere, manifestum est eum curam animarum alibi habere non posse absque dispensatione sedis apostolicæ. Eadem ratione neque decanus neque capitulum curam habet aliquam animarum immediatam extra ecclesiam cathedralem, sed neque mediatam. Si enim archidiaconus habens curam animarum archidiaconatus mediatam, eo ipso quod hujusmodi curam habet, licet sit cura mediata, non potest habere aliam curam animarum simul cum illa; nec decanus eadem ratione poterit aliquam curam animarum quam ipsius capituli habere. Sed sive decanus habeat curam aliquam in prebendis et dignitatibus et communa, sive non, ejus non est earum visitatio. Quomodo enim erit locorum et hominum longe lateque distantium visitator, qui debet esse capituli continuus visor, et continuæ residentiæ ibidem factor? Præterea nec jura aliqua seu consuetudo dant visitationem; decano igitur si facto visitat, est usurpatio.

Sed esto quod visitare possit prædicta loca, et homines tanquam ovilia et oves, nunquid per hoc excluditur episcopus ab eorum visitatione, cum ejus sint et eadem[3] ovilia et eædem oves magis propriæ? Nunquid quia domus religiosæ ordinum beatorum Benedicti et Augustini habent suos visitatores de eisdem ordinibus, excluditur a visitatione earum episcopus? Nunquid in Cisterciensi ordine, quia patres abbates visitant filias domos, excluditur ab earumdem visitatione abbas Cisterciensis? Aut quia custodes in ordine Fratrum Minorum visitant fratres existentes in suis custodiis,

Even if he could, why therefore is the bishop excluded?

Examples of the Cistercian abbats, the ministers-general of the Friars Minors,

[1] *et . . . residentiam*] om. Trin.
[2] C.C.C. inserts *residere*.
[3] *eadem*] om. Trin.

ideo non visitat minister provincialis, et visitatores statuti in generalibus capitulis, et etiam minister generalis? Similiter in ordine Fratrum Prædicatorum, nunquid non omnes præpositi superiores visitant eosdem quos visitant præpositi inferiores? Imo hoc est quod maxime conservat prædictos ordines in religionis perseveranti integritate, quod visitator superior visitatoris inferioris defectus, et impotentias, omissiones, errores, et negligentias supplet et corrigit. Ipsi quoque visitatores inferiores eo fiunt vigilantiores et diligentiores in visitationis officio, quo certi sunt in lucem venturum esse quid in hac parte fecerint, superioris visitantis ministerio.

the superiors of the Friars Preachers.

The advantages of frequent visitation.

Ipsi etiam continui visores, hoc est, immediatam curam habentes, et hi quorum curam gerunt, tanto solicitius a malis se custodiunt, quanto se pluries in lucem producendos multiplicatis visitatoribus agnoscunt. Propter hoc beatus Bernardus, in visitationis officio expertissimus, mentionem faciens inquirentium [1] a suis episcopis exemptionem, inter cætera sic ait:—"Certus "sum ego monachus, et monachorum qualiscumque "abbas, si mei quandoque pontificis a propriis cervi-"cibus excutere jugum temptavero, quod Sathanæ "mox tyrannidi me ipsum subicio. Advertens nimi-"rum cruenta illa bestia, quæ *circuit quærens quem* "*devoret*, elongatam custodiam, heu, statim insilit in "præsumptorem. Merito enim non cunctatur [2] præsi-"dere superbo, qui se jure *regem* gloriatur *super* "*omnes filios superbiæ*. Quis dabit mihi centum in "mei custodiam deputari pastores? Quanto plures "sentio curam gerere mei, tanto securior exeo in "pascua. Stupenda insania! Animarum non cunctor "turbas mihi custodiendas colligere, et unum super "propriam gravor habere custodem! Et quidem sub-

S. Bernard. De Officio Episcoporum. 35. opp. i. col. 1127.

1 S. Pet. v. 8.

Job. xli. 25.

[1] *inquirentium*] inquirentes, Trin. | [2] *cunctatur*] permittitur, Trin.

"jecti me de reddenda pro se ratione solicitant; qui "autem præsunt mihi, *ipsi potius*, Paulo dicente, "*pervigilant, tanquam rationem* pro me *reddituri.* "Illi etsi honorant, onerant; hi non tam premunt, "quam protegunt." Ex his verbis beati Bernardi liquidum est quod pluralitas visitatorum non obest, sed plurimum prodest, quodque nullo modo temptandum est proprii pontificis devitare custodiam. Quid enim oves faciunt, cum pastoris custodiam fugiunt, nisi vitæ periculum quærunt, cum eas circumstent innumeræ bestiæ cruentissimæ, et ad devorandum avidissimæ, cursu velocissimæ, fraudibus astutissimæ, viribus fortissimæ, quibus non comparatur potestas super terram. Sunt quoque ubique laquei et pedicæ ad irretiendas et retinendas oves, donec eas capiant hæ bestiæ. Quam cæca igitur est ovium temeritas quæ inter hæc et hujusmodi vitæ pericula refugit solicitudine baculoque pastorali tueri! Expetenda est igitur ab omnibus pastoris sui visitatio, non fugienda.

Heb. xiii. 17.

Colligitur ex præmissis, quod sive sint alii episcopo subjecti quorum sit visitare oves episcopi, sive non, semper salva est episcopo omni suarum ovium visitatio, nisi forte aliquas earum a visitatione sua subtraxerit Apostolicæ sedis exceptio. Etsi enim alius aliquis contra episcopum posset præscribere in visitationis officio, nullus tamen ei subditus visitando potest eum excludere a visitando. Cum enim sui subditi nil habeant potestatis ecclesiasticæ, nisi quod ab ipso receperunt, ut, sicut supradictum est, ipse sit magis qui operetur in eis quam illi qui operantur; resistere ipsi, ne ipse visitet, quid est aliud quam *securim gloriari contra eum qui secat in ea, aut serram exaltari contra eum a quo trahitur, aut virgam elevari contra levantem eam?*

The bishop's power of visitation is therefore always reserved to him, except in especial cases of exemption from the Pope,

Isa. x. 15.

Quod autem dicitur aliquem posse præscribere contra alium in visitando, si sic intelligitur, quod is qui præscribit excludit eum contra quem præscribit a visitando,

since, however an inferior may limit this power,

he cannot do away with it; and a number of visitors is advantageous.

non potest hoc propter rationes prædictas intelligi inter inferiorem et superiorem suum, a quo inferior recipit hujusmodi potestatem. Sed intelligendum est, quod par potest in hac parte præscribere contra parem, vel superior contra inferiorem, vel forte, quia, ut prædictum est, visitatorum pluralitas non obest, sed plurimum prodest; utilius intelligitur quod aliquis contra alium præscribere potest in visitando, hoc modo videlicet, quod aliquis si multo tempore visitaverit, ipsa temporis diuturnitate potest præscribere contra ordinarium ad quem ex officii sui debito spectat visitatio, ne ipse ordinarius repellat eum, qui sic præscripsit, a visitando.

Argument from the history of Jacob and Laban.

Jacob pascebat oves Laban, multas valde, ad quarum numerum custodiendum verisimile est ipsum solum non suffecisse, unde et pastores habuit sub se constitutos. Nunquid igitur, quia pastores sub se constitutos habuit, qui singuli de gregibus singulis curam gererent, non potuit ipsemet ad singulos greges singulosque eorum pastores accedere, singulosque greges, singulorumque singulas oves, ipsosque pastores visitare, visitandoque perscrutari, et investigare si quæ oves essent steriles, si quæ debiles, infirmæ, aut scabiosæ, si quæ furto vel a bestiis surreptæ, et si hæc accidissent ovibus ex pastoris negligentia vel artis pastoralis imperitia; et his investigatis, contra omnia hujusmodi detrimenta congrua apponere remedia? Nisi hæc facere posset, quomodo dixisset ad Laban, *Idcirco viginti annis fui tecum; oves tuæ et capræ steriles non fuerunt; arietes gregis tui non comedi, nec captum a bestia tradidi tibi; ego*[1] *damnum omne reddebam; quicquid furto perierat a me exigebas; die noctuque æstu urebar et gelu; fugiebat somnus ab oculis meis?* Sed [si] quia pastores habuit Jacob sub se, non potuisset

Gen. xxxi. 38–40.

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[1] Trin. inserts *ad*.

singulos greges visitasse, pastorumque negligentiam et imperitiam correxisse, quasi sufficiens fuisset tantummodo aliis sua reputatione idoneis pastoribus greges singulos custodiendos tradidisse; qua justicia *damnum omne reddidisset* et *quicquid furto perierat ab ipso exactum esset*, vel qua necessitate *æstu ureretur et gelu, fugissetque somnus ab oculis ipsius?* Non igitur sufficiens fuit suæ curæ pastorali pastores sua reputatione idoneos singulis gregibus custodiendis deputasse; sed oportuit insuper eum vigilanti diligentia, solicitudine provida, labore infatigabili, sicut prædictum est, tam greges quam pastores visitare omnibusque eorum defectibus remedia tribuere. Et quantum putas punivisset unum de pastoribus sub se constitutis, si ei in facie restitisset ne gregem aut gregis pastorem visitasset, et corrigenda et reformanda in eis corrigeret et reformaret? Cum igitur carnali pastorali officio ipsius Jacob sit manifestatio et doctrina, qualiter episcopi pastores animarum officium pastorale spiritale debeant peragere, manifestum est, quod episcoporum est per omnes greges omniumque gregum sub se constitutos pastores impigre discurrere, eosque diligentissime visitare, errata et deformata in eis corrigere et reformare, ut possint Jesu Christo, qui ipsas oves sibi sanguine proprio adquisivit, congruam, sicut tenentur, reddere rationem in districto examine, quodque digni sunt gravissima punitione qui in hac parte nituntur episcopis suis resistere. Legimus postea in libro Genesis, quod etiam proprii filii Jacob pastores erant, et constat quod ovium patris. Nec potest dici quin essent etiam quodammodo et ipsorum filiorum oves, cum patrum sit filiis thesaurizare; cumque pater ille evangelicus non blandiente mendacio, sed veraciter, dicat majori filio, *Fili, tu semper mecum es, et omnia mea tua sunt.* Nunquid igitur putandum est, quod filii Jacob, quia curam ovium eis tradiderat, et eas ipsis thesaurizabat, restitissent patri oves plus suas quam illo-

Gen. xxxvii. From the history of Jacob's sons.

S. Luc. xv. 31.

rum visitare volenti? Nunquid adventante patre ad visitandum oves, rebellassent filii dicentes, "Nihil ad te "de visitandis his ovibus; nostræ sunt, earum curam "nobis tradidisti; non est tuum amplius de his solicitum "esse, non est tuum videre seu perscrutari si cuncta "prospera sunt erga nos et pecora?" Si hæc facere potuissent de jure, non dixisset ad Joseph: *Vade et vide si cuncta prospera sint apud fratres tuos et pecora, et renuncia mihi quid agatur.* Si enim scivisset Jacob, quod filii sui juste possent eum repellere a videndo quid ageretur circa eos et pecora, nunquam filio suo Joseph hoc commisisset explendum, cum ipsum Joseph multo justicius quam patrem ab hoc possent repellere. Quomodo igitur spiritales filii episcoporum, constituti ab eis tanquam filii Jacob ab ipso Jacob, ad pascendum oves spiritales, quæ magis sunt episcoporum oves, quam eorum quibus sunt ab episcopis commissæ, dicunt episcopis, "Nihil ad vos de visitandis his ovibus; nostræ "sunt; earum curam nobis tradidistis; non est vestrum "amplius[1] de his solicitos esse; non est vestrum quid "circa nos agatur et pecora considerare?" Nonne hi filii disciplinam patris renuunt, et patris disciplinam recusantium incurrere pœnam merito digni sunt? Pater ille evangelicus qui filio majori dixit, *Fili, omnia mea tua sunt,* nunquid credendum est quod ab eodem filio fuisset repulsus, si agros aut sata aut oves aut alterius modi pecora sua vellet visitare, et siqua essent corrigenda, corrigere, carduos et spinas a satis evellere, malasque bestias a gregibus et armentis abigere, licet ipso confitente, omnia sua etiam filii essent, et patre ordinante posset filius in prædictis rebus patris consimilia facere? Si filius forte habuisset aliqua quæ pater suus ei contulisset, transferendo totum dominium in filium sibique dominium adimendo, vel si habuisset

Gen. xxxvii. 14.

From the history of the elder brother in the parable of the Prodigal Son.

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[1] *amplius*] aut, Trin.

aliqua aliunde adquisita quam de bonis patris; non oporteret quod patrem admitteret ad illas res visitandas et ad disponendum de eis; urbanum tamen esset et honorificentiæ patri exhibendæ congruum, si patrem ad prædicta reverenter admitteret, cum præsumendum esset de patre quod paternali affectu et ad bonorum filii emendationem talia facere vellet. Quomodo igitur filii episcoporum nil curæ[1] animarum habentes nisi ab episcoporum traditione, retenta nihilominus ipsis episcopis ipsarum animarum cura, ut magis sint ipsi ipsarum animarum patres, rectores, et gubernatores, et possessores quam sint ipsorum filii, a sola episcoporum traditione curam suscipientes, ipsos episcopos repellerent a suarum animarum visitatione, gubernatione, correctione, et reformatione? Nunquid non filiorum curatio continua cum patris curatione adjecta, quando ei vacaverit et expedire viderit, perfectius curabit quam faciet altera sola? Quod autem perfectius est, melius est, et magis eligendum. Præterea cum episcopus tradendo curam animarum aliis inferioribus, eam sibi non adimat sed retineat, alioquin illis discedentibus, non posset eorum successoribus curam tradere, utpote quam non haberet; sed sibi ademisset priori traditione. Nullus enim potest quod non habet dare. Retinet sibi per consequens ea quæ curæ sunt necessaria, utpote visitationem, cum continuam visitationem non posset, correctionem quoque et reformationem; nisi enim et ea quæ curæ agendæ sunt necessaria sibi retineret, frustra retineret curam; esset enim otiosa; sed in domo sapientis patrisfamilias, sicut et in opere naturæ, nihil est otiosum seu frustra.

In lege Mosaica præceptum est (Exodi xxiii.) Quod *si occurreris bovi inimici tui aut asino erranti, reduces ad eum*; et *si videris asinum odientis te jacere sub* **Exod. xxiii. 4, 5. From the Mosaic law respecting**

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[1] *curæ*] curant, Trin.

cattle found straying. Deut. xxii. 1. *onere, non pertransibis, sed sublevabis cum eo; bovem* quoque *aut ovem fratris tui non videbis errantem et præteribis, sed reduces fratri tuo, etiam si*[1] *non est propinquus tuus frater, nec nosti eum; duces in domum tuam, et erunt apud te quamdiu quærat ea frater tuus, et recipiat.* Multo igitur fortius si occurrat episcopus ovi propriæ erranti, reducet eam ab errore ad veritatem per ecclesiasticam disciplinam, non solum, ut quidam aiunt, per prædicationis commonitionem. Quis enim poterit bovem aut asinum inimici errantem sola voce reducere? Sed oportebit et corporaliter occurrere et virga feriente ad iter rectum convertere et pigritantes stimulare, et sic[2] multo labore adjectis vocibus concitantibus reducere. Non præcipitur ut videns asinum odientis se jacentem sub onere, eum vocis exclamatione excitet ad surgendum; sed ut sublevet cum asino quod oportet fieri, appositis ad onus manibus et virium conatibus. Multo igitur magis peccatorem errantem et sub onere, peccati pressum, suæ curæ traditum, pro cujus etiam perditione ipse tenetur, reducet episcopus in virga disciplinæ ecclesiasticæ, et sublevabit quibus poterit correctionis et reformationis conatibus; adjectis insuper, non solum appositis, salutiferæ prædicationis vocibus. Si fratri etiam non propinquo non est injuriatum, sed multo magis misericorditer cum eo actum, cum quis videns bovem ipsius aut ovem errantem, non solum voce[3] increpante, sed et virgæ directione, ducit in domum suam, donec ipse quærat et recipiat; quomodo injuriatum est filio, si pater videns ovem suam errantem, quæ non nisi ex patris traditione est etiam filii, reducat eam in domum suam, quæ etiam eadem est domus filii, ut filius simul cum patre

[1] *si*] om. C.C.C.
[2] *sic*] om. C.C.C.
[3] *voce*] om. C.C.C., Trin., Ox.

eandem suscipiat? Non igitur injuriatur episcopus, sed magis misericorditer agit[1], cum sibi subjecto prælato, cum animam errantem, licet curæ inferioris ab episcopo traditam, quia suæ magis est commissa, reducit, non solum voce prædicationis increpante, sed etiam in virga ecclesiasticæ disciplinæ, in ecclesiæ unitatem, quæ eadem est domus utriusque, ut ipse subjectus simul cum præposito sibi episcopo eam quæ aberraverat ab errore reductam suscipiat. Sic enim non solum errantem animam salvavit, sed et subjecti pastoris animam, qui pro errante tenebatur, liberavit. Miranda res est; uterque aliquorum duorum eidem pro eodem tenetur in solidum, et unus illorum a salvando repellit reliquum; quod evidenter fit[2] cum episcopus pastorem sibi subditum vel pastor subditus episcopum repellit a salvanda anima, pro qua uterque Christo tenetur in solidum. *David*, pastor ovium, *ait ad Saul: Pascebat servus tuus patris sui gregem; et veniebat leo et ursus et*[3] *tollebat arietem de medio gregis, et persequebar eos, et percutiebam, et eruebam de ore eorum; et illi consurgebant adversum me, et apprehendebam mentum eorum, et suffocabam et interficiebam eos. Nam et leonem et ursum interficiebam*[4] *ego servus tuus.* Licet David in hoc[5] loco significet Christum, nihilominus significat et prælatos qui gregis Dominici curam habent; imo eo ipso[6] quod significat Christum, significat et prælatos qui in Christo Pastore sunt unus pastor, qui pascunt gregem Dei Patris. Igitur ad eos pertinet, cum leo vel ursus, hoc est, cum diabolus, per vitium quodcunque tollit animam de medio gregis Dominici, persequi diabolum, in vitiis et in[7] vitiosis ipsos vitiosos ex parte ea qua

The necessity of ecclesiastical discipline as well as exhortation.

1 Sam. xvii. 34—36. Argument from the history of David keeping his father's sheep.

[1] *agit*] om. Trin.
[2] *fit*] sit, Trin.
[3] *et*] q, Trin.
[4] *interficiebam*] interfeci, C.C.C.
[5] *hoc*] om. Trin.
[6] *eo ipso*] ab episcopo, Trin.
[7] *in*] om. Trin., Ox.

vitiosi sunt, baculo pastorali, id est, rigore ecclesiasticæ disciplinæ, percutiendo et puniendo; et sic de voragine vitiorum et potestate diaboli eruere, etsi consurgat adversitas suscitata per diabolum adversus prælatum conantem eripere animam de vitiis, ne possit per eum eripi; tanto fortius apprehendere debet prælatus, et adnullare omnem adversariam potestatem adversus salvationem animarum se extollentem.

As David would not have been hindered in defending his flock by the shepherds under him,

David in propria persona propriis viribus proprioque labore prædicta faciebat[1]. Non igitur per subjectos sibi pastores solum, ut aiunt, sed et per seipsum potest et debet episcopus animas de grege dominico sublatas per ecclesiasticam disciplinam liberare. Credendum est quod multum acceptasset David, si quis de pastoribus sibi subditis[2], adjunctis in sui oneris alleviationem ad pascendum gregem, *arietem* a leone vel urso captum *de ore eorum eruisset*, et ipsum David in hoc prævenisset. Sed quid putas fecisset, si ad gregem venienti et *leonem et ursum tollentem arietem de medio gregis* videnti, statimque, ut *de ore eorum* captum *erueret* arietem, persequi et percutere conanti, ipsi pastores sibi subditi elevatis baculis, concitato tumultu et clamore, viribus omnibus restitissent? Nunquid non ille manu fortis, aut pater ejus, cujus gregem pascebat, hæc agnoscens, tantos præsumptores non tam disciplina verborum quam verberum acriter corripuisset? Si fuissent sibi in adminiculum pascendi gregis adjuncti pastores, zelum salutis ovium habentes, et *leo vel ursus tolleret arietem*, ipso David superveniente vel præsente, ipsum David magnis clamoribus omnes compellassent[4], ut ipsemet ad eruendum arietem de ore bestiæ accurreret, utpote qui erat eis et cursu velocior et magnanimitate audacior, et in pugna cum bestiis magis

[1] *faciebat*] om. Trin.; fecit, Ox.
[2] *subditis*] subjectis, C.C.C.
[3] *eorum*] leonum, Trin.
[4] *compellassent*] repellassent, Trin.; compulissent, C.C.C.$_2$.

expertus et exercitatus, et cujus erat arietis sublati cura superior; ipsumque præcurrentem subsecuti fuissent alacres ad adjutorium, non occursassent rebelles et obicientes impedimentum. Sic igitur cum episcopi magis sit cura animarum suæ diœcesis quam pastorum inferiorum, ipseque sit ad liberandum animas de ore *leonis rugiendo quærentis quem devoret*, potestate sublimiori vigentior, arte et exercitatione peritior; ipsi pastores ei subjecti, si zelum habent salutis animarum, ipsum præsentem magis hortantur et excitant ad præcurrendum eos in animarum liberatione, quam salutis propriæ et animarum sibi obiciant cujusquam impedimenti repagulum.

neither can the bishops by the pastors subject to them.

1 S. Pet. v. 8.

Præterea aliquis pastorum sub David positorum forte potuisset de faucibus lupi vel alicujus minoris bestiæ ovem captam eruisse; sed de faucibus ursi vel leonis non posset ovem captam eruere, nisi vir fortitudinis egregiæ vel audaciæ præcipuæ, qualis fuit ipse David, manufortis secundum sui nominis interpretationem, cooperatus esset[1]. Ad hunc modum quædam animæ quas occupaverunt vitia, seculari potentatu roborata, non sunt ereptibiles ab hujusmodi vitiis, nisi in manu forti sublimioris ecclesiasticæ potestatis. Quomodo igitur dicunt inferiores potestates, "Nostrum est, et non " episcopi, omnis[2] vitii quantumcunque potentis et " potenter animam detinentis correctio et animæ ab " eodem eruitio, nisi forte ipsa correctio devolvatur ad " episcopum per nostram negligentiam aut per appel- " lationem a nobis?" Nunquid potestas canonici aut decani aut etiam capituli sufficit ad *suffocandum et interficiendum* adulterium vel consimile vitium potentis comitis aut comitissæ, ut eruatur anima occupata ab hujusmodi crimine? Nunquid non etiam potestas episcopalis in hoc casu satis erit debilis? Imo

Besides, the subject shepherds are inferior in power;

so the power of the chapter in repressing vice is inferior to that of the bishop.

[1] *cooperatus esset*] om. Trin., C.C.C.; inserted in Ox. by Gascoigne.
[2] *omnis*] omnes, C.C.C., Trin.

nisi ipse sit sicut David, audito leonis rugitu, pedem retrahet, attonitus subsistet; nedum potestas inferior hoc faceret. In hoc igitur casu, videlicet, cum potentia vitiosi tanta sit, quam potestas inferior ecclesiastica non potest eam edomare, nec potest dici ejus negligentia, quia qui vult, et conatur, et non potest, negligens non est, sed impotens; et propter hoc poterit in hoc casu deesse negligentia; nec sic perveniet vitium unquam ad correctionem, posito quod superior potestas nil possit in hujusmodi correctione, nisi inferiore negligente aut aliquo ab inferiore ad superiorem appellante. Quis enim in hoc casu appellabit, cum nullus sit accusans, sed solummodo fama, aut facti evidentia clamans? Nunquid leo ovem in faucibus detinens ab inferiori et debiliori pastore ad fortiorem pastorem superiorem appellabit, ut prædam suam sibi auferat?

1 Reg. vii. 15—17. Argument from Samuel's circuit as judge.

Legitur in libro Regum quod *Samuel judicabat Israelem cunctis diebus vitæ suæ, et ibat per singulos annos circuire Bethel, et Galgala, et Masphat, et judicabat Israelem in supradictis locis; revertebaturque in Ramatha; ibi enim erat domus ejus.* Samuel et nominis interpretatione, quæ est *postulatio Dei, vel nomen ejus Deus,* et eo quod datus fuit Domino omnibus diebus vitæ suæ, evidenter typum gerit episcoporum, qui per electionem et Spiritus Sancti invocationem a Deo sunt postulati, et per vitæ celsitudinem ita adhærentes Deo ut unus spiritus sint, ac per hoc dii ad imitationem Moysi, cui dictum est; *Ecce constitui te deum Pharaonis,* qui etiam ab omnibus mundanis curis et implicationibus in secularibus negotiis abstracti dati sunt Domino omnibus diebus vitæ suæ. Igitur in exercitio potestatis judiciariæ Samuelis, datur forma episcopis suæ potestatis per actum exercendæ. Debent igitur per singulos annos suas diœceses circuire, judicantes ecclesiastica negotia, non ex arbitrio voluntatis propriæ, sed secundum

Exod. vii. 1.

revelationem Scripturæ, habita diligenti et subtili peccatorum speculatione, ad tollendum ea officio potestatis judiciariæ, sicut congruit interpretationibus nominum locorum in quibus Samuel judicabat populum Israeliticum. Bethel enim interpretatur *domus Dei*, Galgala vero *revelatio*, Masphat autem sonat *in speculationem peccati*. Quo circuitu peracto, reverti debent episcopi in Ramatha, hoc est in *cœlestis conversationis celsitudinem per divinorum contemplationem*, ubi torrente voluptatis sapientiæ potati plenius hauriant, unde in altera circuitione populum sibi subjectum et præcipue clerum in veritate et æquitate dijudicent. Si itaque Samuel in multitudine et latitudine populi Israelitici non habuit sub se constitutos judices alios, satis manifestatur in hoc quod omnia judicia ecclesiastica sunt episcoporum, exceptis his quæ plenitudo potestatis domini Papæ sibi reservavit. Si autem habuit alios sub se constitutos judices, sicut verisimile est eum habuisse in tanta populo multitudine et latitudine[1], et sicut constat eum habuisse cum senuit; *posuit enim tunc filios suos judices Israel*, ipse nihilominus *judicans Israel cunctis diebus vitæ suæ*, adhuc illud manifestum est, quia in Samuelis adventu ad loca prædicta, ipse omnia judicavit, aliis in ejus præsentia ei tanquam superiori potestati, a qua et ipsi potestatem acceperant, cedentibus. Ipse enim erat in populo Israelitico sicut sol populi, quemadmodum et dominus Papa in universali ecclesia, et unusquisque episcopus in sua diœcesi. Quemadmodum igitur sol, quia non potest ubique super terram simul et semel[2] præsentialiter lucere, ad tenebrarum purgationem et terræ nascentium vegetationem, ne aliquando tamen careat aliqua pars orbis terrarum solatio luminis, de plenitudine luminis sui, nullo per hoc sibi diminuto, lunam

1 Sam. viii. 1.

Samuel was among the Israelites as the Pope in the church, and each bishop in his diocese.

As the sun gives light to the moon and stars,

[1] *et latitudine*] om. C.C.C. | [2] *et semel*] om. C.C.C.

Gen. i. 17. et stellas illuminat, ut in ejus absentia *luceant in firmamento cœli*, et illuminant terram; ipsoque sole revertente et suam exhibente præsentiam super terram, ipsa minora luminaria radiis solis abscondita[1] solari cedunt lumini.

so the Pope imparts power to the bishops,

Ita dominus Papa, respectu cujus omnes alii prælati sunt sicut luna et stellæ, suscipientes ab ipso quicquid habent potestatis ad illuminationem et vegetationem ecclesiæ, suam exhibet præsentiam; ipsius est potestatis suæ præsentiali intuitu omnis mali tenebras dissipare, omnisque boni seminaria atque plantaria confovere et vegetare, aliis potestatibus in ejus præsentia sic sibi cedentibus, ut lunæ et stellarum lumina cedunt radiis solaribus. Similiter cum quilibet[2] episcopus, licet respectu domini Papæ sit sicut unum de nocturnis luminaribus, sit tamen in sua diœcesi sicut sol ipsius; et inferiores prælati sub ipso, qui potestatem quam habent ecclesiasticam recipiunt ab ipso, sint in ejus præsentia[3] sicut luna et stellæ

and the bishops to their inferiors in each diocese.

ad illuminandum in episcopi absentia, ubi propter absentiam solis[4] non potest præsentialiter lumen doctrinæ et disciplinæ ecclesiasticæ exhibere: ubi episcopus suam exhibet præsentiam, suæ potestatis diffundere debet irradiationem ad malitiæ cujusque tenebras purgandas, et virtutes confovendas, promovendas, et consummandas, inferioribus potestatibus totam interim negotiorum ecclesiasticorum[5] dispositionem sine rebellatione ei liberam permittentibus.

It would be an absurdity for the moon and stars to hinder the sun's shining?

Admiranda res esset, et perfectui terræ nascentium et animalium summe contraria, si, oriente sole super terram, luna et stellæ, quia eis communicavit de suo lumine[6] in illuminatione noctis, eo absente, radiationi ipsius, ne terram illustraret, conarentur obsistere; tanquam

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[1] *abscondita*] absconditis, Trin.
[2] *quilibet*] quibus, C.C.C.
[3] *præsentia*] respectu, C.C.C.
[4] *solis*] om. Trin., C.C.C.$_2$, Ox.
[5] C.C.C. inserts *vel*.
[6] *lumine*] om. Trin.

dicerent operis sermone "quia nos lumen habemus ad "illustrandum terram, non est tuum amplius terram "illuminare." Nonne quantum in ipsis esset, terræ nascentibus vegetationem, animalibus vitam, utriusque autem incrementum perfectum et consummationem, auferent? Non itaque qui respectu episcopi lunæ et minorum luminarium gerunt similitudinem, ejus obsistant irradiationi, hoc[1] est, potestatis episcopalis ministeriis ei congruentibus de jure communi, ne per hoc quantum in ipsis est, seipsos et populum vita, spiritali[2] incremento, et consummatione in bonis privent spiritalibus; sed magis gaudenter et grati permittant eum libere et inoffense ministerii episcopalis cursum peragere; ut quemadmodum sol quolibet die naturali ab Oriente per Occidentem iterum in Orientem totum terræ ambitum circuit; et quolibet anno ab Australi tropico per Septentrionalem iterum in Austrum revertens universam terram perlustrat, ita ut in integritate anni plurimas terræ partes pluries illustraverit, nullam autem terræ partem a sua præsentia et illustratione vacuam dimiserit, quam saltem aliquando sui luminis beneficio confoverit[3]: ita episcopus Samuelis imitans vestigia, *per singulos annos suam circueat* diœcesim ita diligenter, ut plures partes pluries, nullam autem partem reliquerit quin saltem semel, sua præsentia illustraverit. Propter hanc itaque similitudinem episcopalis ministerii cum opere solis, de *Symone, Oniæ filio, sacerdote magno*, dictum est, quod *ille quasi sol refulgens sic refulsit in templo Dei.* Et quod est templum Dei, nisi congregatio fidelium, dicente Paulo, *Templum Dei sanctum est, quod estis vos.* In congregatione igitur fidelium sibi commissa, oportet quod episcopus prædictam solis refulgentiam prædicto modo circueundo

so, too, of those subject to the bishops,

1 Sam. vii. 16.

Ecclus. l. 1, 7.

1 Cor. iii. 17.

[1] *irradiationi hoc*] irradiosi, C.C.C.

[2] C.C.C. inserts *sed.*

[3] *confoverit*] componerit, C.C.C.

exhibeat, nihil dimittens per anni[1] circulum sua præsentia non illustratum propter hoc; et in Ecclesiastico scriptum est, *Sol illuminans per omnia respexit.* Et qualiter per omnia respiciet episcopus tanquam sol suæ diœcesis, nisi per omnia possit visitare, corrigere, et reformare[2], et sic per lucem[3] occulta in lucem manifestationis producere, ut quæ tenebrosa sunt, purget, et quæ vitalia amplius vivificet?

Ecclus. xlii. 16.

Per literarum itaque sacrarum apices et insuper per luminarium cœlestium species et naturales operationes evidenter liquet, quod ad episcopi pertinet officium circueundo totam diœcesin, totam visitare, corrigere, et reformare, excepto si alicubi sint aliqui privilegio domini Papæ ab episcopi visitatione, correctione, et reformatione exempti. Ibi namque debet episcopus tanquam radios suos abscondere, radiante ibidem solis sui, hoc est, auctoritatis domini Papæ, respectu cujus ipse est nocturnum luminare, majore et clariore lumine.

except in the case of such as are exempt by papal privilege.

Primo parenti facta est uxor, non ut esset impedimentum sed adjutorium simile sibi ad filios procreandos. Adam et uxor sua Christus sunt et ecclesia; et nihilominus quilibet episcopus et sibi conjuncta et commissa ecclesia[4]. Et licet mulier totius ecclesiæ commissæ episcopo typum gerat, quadam tamen prærogativa specialius videtur gerere typum eorum qui specialiter adjuncti sunt episcopo in adjutorium spiritalis prolis procreandæ, id est, qui sub episcopo curas habent animarum ab episcopo eis commissas. Igitur et hi sub episcopi sunt potestate. Mulieri namque dictum est, *Et sub viri potestate eris et ipse dominabitur tui;* et episcopo debent esse adjutorium et non impeditum spiritalis prolis procreandæ, educandæ,

Argument from the condition of Adam and Eve, Eve being a type of those who are appointed as assistants to the bishops.

Gen. iii. 16.

[1] *anni*] aliquem, C.C.C.
[2] *corrigere et reformare*] inquirere, C.C.C., Trin., Ox.
[3] *per lucem*] om. C.C.C., $C.C.C_2$. Ox.
[4] *ecclesia*] etiam, Trin.

castigandæ, et informandæ. Cumque sint dati in adjutorium, ipsi non sunt principales operatores, sed principalis operatoris co-operatores. Sed[1] quis co-operator operatorem principalem ab opere suo repellit? Quæ uxor repellit virum a procreando prolem, seu ab educando, castigando, et informando[2] prolem, quam de ipso concepit? Quæ uxor etiam, nisi perversa, viri sui renuit doctrinam, disciplinam, et correctionem? Quæ mulier, nisi forte minus casta, vult cameræ suæ interiora viro esse abscondita? Sed hæc et his similia faciunt in adjutorium episcopi adjuncti prælati, cum nec se ipsos nec suos subditos sustinent ab episcopo visitari, corripi, et reformari. Præterea si tota congregatio omnium animarum totius diœcesis intelligatur sicut integra sponsa episcopi, tunc capitulum ecclesiæ cathedralis[3] erit sicut integræ sponsæ vel caput vel facies. Sed[4] quis sponsus faciem maxime sponsæ suæ non potest nudam et non velatam conspicere, et considerare ne forte aliquid sit indecens[5] in ipsa facie, et ipsam indecentiam, si inventa fuerit, corrigere? Nunquid non sponsi est considerare in facie sponsæ an forte oculo vago et incontinenti respiciat, aut auditum turpibus affatibus præbeat, aut linguam laxet ad indecentes sermones, aut in risu vocem inaltet et os distorqueat cachinnis? Et si inventa fuerint hujusmodi, quis ita ut sponsus tenetur ea corripere, corrigere, et reformare? Et si opus est, per disciplinam verberum, si forte non sufficiat disciplina verborum. Item si tota congregatio animarum episcopatus intelligatur integra sponsa episcopi, cui episcopus diversos tradidit, velut paranymphos et[6] custodes et ministratores inferiores, videlicet, prælatos, nunquid quia

As a husband desires to have his wife's person free from all stain, so does the bishop the souls of all his diocese, and especially the cathedral chapter.

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[1] *sed*] si, C.C.C., Trin.
[2] *informando*] ministrando, Trin.
[3] *cathedralis*] totaliter, C.C.C.
[4] Trin. inserts *si*.
[5] *indecens*] videntes, Trin.
[6] *et*] ut, C.C.C.

his commissum est aut pedes sponsæ sordidos mundare aut manus abluere, et providere ne quid sit indecens vel turpe vel in vestimento aut membro aliquo vel gestu vel motu vel opere, non poterit ipse episcopus tamquam proprius sponsus eadem considerare et ad omne turpe et indecens in propria sponsa tollendum propriam manum apponere?

Quinimo poterit et[1] ipsos deputatos ad conservandam sponsæ suæ speciositatem et honestatem illibatam pro minori in hac parte adhibita diligentia acriter punire. Debet igitur et potest episcopus maxime visitare proprium capitulum et omne distortum et deformatum corrigere et reformare, ut sponsæ suæ facies omnibus
Eph. v. 27. pateat splendida sine *macula aut ruga*, non neglecta insuper aliorum membrorum consimili cura. Quæ sponsa est, nisi forte rugosa et maculosa, quæ faciem suam a conspectu vult obtegere? Si capitulum episcopi est sponsæ suæ facies, cum ne visitetur ab eo aut[2] libertatis aut alicujus alterius decorum non obicit, nunquid ne[3] perspicue videatur, quodam fucato velamine
S. Joh. iii. 19, 20. se contegit? Ipsa veritas dicit, *Hoc est judicium*, id est[4], causa damnationis, *quia lux venit in mundum, et dilexerunt homines magis tenebras quam lucem.* Et subjungit causam, dicens, *Erant enim eorum mala opera. Omnis enim qui male agit odit lucem, et non venit ad lucem, ut non arguantur opera ejus. Qui autem facit veritatem, venit ad lucem, ut manifestentur opera ejus, quia in Deo sunt facta.* Licet itaque lux quæ venit in mundum erat[5] ipse Christus,
S. Joh. i. 9. qui est lux mundi, *lux vera illuminans omnem hominem venientem in hunc mundum*, nihilominus tamen et omnis manifestatio veritatis lux est, dicente
Eph. v. 13. Apostolo, *Omne quod manifestatur lumen est.* Visi-

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[1] *et*] in, C.C.C.
[2] *aut*] ut, C.C.C., Trin.
[3] *ne*] nonne, C.C.C.; imo, Trin.
[4] *id est*] et, C.C.C.
[5] *erat*] sic, Trin., Ox.

tatio itaque cum sit manifestatio veritatis conversationis et vitæ eorum qui visitantur, lux est; et cum de Christo luce præcipiente per Scripturam oves a pastoribus visitari, emanet visitatio, ipsa visitatio lux est in Christo, et Christus lux vera lucet in ea. Quapropter superveniente visitationis luce, venit etiam in ea lux ipsa quæ est Christus. Igitur qui visitari renuunt a suo pastore, incidunt in illud judicium, *quia lux venit in mundum, et dilexerunt homines*, visitationem renuentes, *magis tenebras* absconsionis suorum operum *quam lucem* manifestationis eorundem. Nec potest esse alia causa majoris dilectionis tenebrarum harum quam lucis hujus, nisi *opera mala*, quæ *qui agit odit lucem* manifestantem ea[1] et redarguentem. *Qui enim facit veritatem* sponte *venit ad lucem ejus opera manifestantem quia*[2] *in Deo facta sunt.* Igitur factores veritatis sponte veniunt ad lucem visitationis; et visitari recusantes validissimum dant contra se argumentum quod non tam *filii lucis* sunt quam *filii tenebrarum.*

S. Joh. iii. 21.

1 Thess. v. 5

Argument from art and artificers.

In omnibus quoque artificiis et artificibus est videre quæ oportet facere rectorem animarum, artificem videlicet artificum verbi gratia[3]. Oportet artificem auri et aurichalci, auri quoque puri et impuri differentias agnoscere; et ne aurichalcum pro auro vel aurum impurum pro puro assumatur in fabricam vasis formandi in honorem in ministerium regis, massam metalli propositam, quæ ad visum prætendit auri speciem, oportet diligenter variis diversarum experientiarum scrutiniis probare et perscrutando invenire, utrum ea sit aurum vel aurichalcum; et si reperiatur aurum, utrum sit purum an impurum; ut a vasis formatione in honorem regium aurichalcum reiciat, nisi forte sciret et

A worker in gold or brass ought to be able to know their difference, and to detect impurities.

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[1] *ea*] ei, C.C.C.
[2] *quia*] om. Trin.
[3] *gratia*] contra, Trin.

posset illud in aurum convertere, et impurum aurum excoquendo purificet, sic in aurum purum transmutatam massam in vasis regii fabricam assumpturus. Sic omnes artifices materierum in quibus et de quibus[1] operaturi sunt, et artificii, quod operaturi sunt, proprietates usque ad specialissimas oportet dilucide cognoscere, et de[2] singulis materiebus præpositis sibi ad operandum in eis exactissimam perscrutationem, donec intervenerint scrutinio an præposita massa apta sit et conveniens, an non, formando artificio, et an materiei nondum convenientis valeat in convenientem fieri conversio.

So of the bishop, who is the ruler of all the souls of his diocese, and this rule is the "art of arts."

Cum igitur episcopus[3] maxime sit rector animarum omnium suæ diœcesis, regimenque animarum sit "ars artium," arteque regiminis debeat[4] præcipue episcopus Regi summo Domino nostro Jesu Christo de animabus puris, episcopique artificio purgatis et purificandis, coronam fabricare et tunicam inconsutilem texere, templum ædificare, thronumque construere, imo omne quod pertinet ad tanti Regis habitum et habitationem et ministerium præ aliis parare; quomodo non erit ipsius præ aliis, proprietates et differentias animarum purarum, purgatarum, purificandarum, corrigibilium, et etiam incorrigibilium, in hanc vel illam partem artificii magis minusve aptarum, seu penitus ineptarum, cognoscere, et diligentissimo prudentissimoque scrutinio de omnibus regimini suo subditis quantum potest investigare, et investigando invenire, quæ qualibet proprietatibus sint informatæ; ut hac habita cognitione qualiter de his et in his sibi conveniat operari, et eas locis congruis in artificio tanto coaptare[5] possit discernere? Quæ cognitio et discretio, ac per consequens recta artis suæ administratio, haberi nequa-

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[1] *et de quibus*] om. C.C.C., Trin.; inserted in Ox. by Gascoigne.

[2] *de*] om. C.C.C.: Trin. omits *de singulis*.

[3] *episcopus*] om. C.C.C.

[4] C.C.C., Trin. insert *que*.

[5] *coaptare*] coartare, Trin..

quam poterunt absque diligentissima visitatione; et ibi nimirum magis est opus visitatione diligentiori, unde assumenda est materia in partem artificii nobiliorem collocanda. In parte autem nobiliore artificii sunt ecclesiasticæ personæ collocandæ, unde et hæ præ aliis maxime visitandæ, et hoc ab eo cujus arte et opere sunt in artificio eminentius ponendæ.

Pastores et rectores animarum vocantur etiam in Scriptura speculatores, et inter hos episcopi præcipue, speculatores sunt dicti, unde et in eorum typo dictum est Ezechieli, *Fili hominis, speculatorem te dedi domui Israel.* Dicti sunt autem speculatores a speculando, id est, prævidendo, quemadmodum super istum locum dicit expositio, quod "speculator est ecclesiæ episcopus, pres-"byter a populo electus, qui divinam lectionem[1] cognos-"cens et prævidens futura, annunciat populo, et corrigit "delinquentes; formidandum summopere officium, ne "accedamus indigni, nec assumpti a populo negligentes "simus, et ventri et otio serviamus, ne honorem nos "accepisse non onus putemus. *Filius enim hominis* "*venit ministrare non ministrari*, pedes discipulo-"rum lavit, ostendens a magistris omnes discipulorum "sordes debere purgari." Ex[2] quibus verbis ostenditur quod episcoporum est non solum annunciatio per prædicationem, sed et delinquentium per ecclesiasticam disciplinam correctio, et omnium sordium discipulorum, id est, suæ curæ commissorum purgatio. Abluuntur namque pedes non vocibus, sed manibus abluentis, nec solum aqua apposita et[3] pedibus superfusa, sed et manuum confricatione, eademque multa et forti, si fuerit in pedibus lutum induratum. Aqua ablutionis sapientia salutaris est, cujus sola prædicatio quasi aquæ superfusio est, quæ cum sordes induratas tollere non

Pastors are called watchmen in Scripture.

Ezech. xxxiii. 7.

Glossa ordinaria in loc. from S. Hieron. in loc. Opp. v. p. 396.

S. Matt. xx. 28.

The duties of bishops as watchmen involve discipline as well as exhortation.

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[1] *lectionem*] lectione, Trin.; electione, Gl.

[2] Trin. inserts *hiis*.

[3] *et*] id est. Trin.

sufficit, addenda est et manuum confricatio. Manibus autem pedes sordidatos in aqua confricare, quid aliud est quam opere ecclesiasticæ disciplinæ secundum sapientiam Scripturæ sordes affectuum tollere. Sed forte dicent, quod ad hunc speculatorem, de quo loquitur

Ezech. xxxiii. 3.

Ezechiel, non aliud pertinet nisi cum *viderit gladium venientem super terram buccina insonare*, hoc est, ex

which is shown by Ezekiel,

Scriptura, velut ex ore Domini, annunciare, quod si fecerit speculator, animam suam liberavit: sicut ex verbis Ezechielis in eodem loco potest perpendi. Quod quidem et ego verum esse credo, videlicet, quod si buccina insonet speculator, hoc est episcopus, cum *vide-*

Ps. xxxvi. 14.

rit [*gladium*] *venientem super terram*, quem *evaginant peccatores ut decipiant pauperem et inopem, et trucident rectos corde*, animam suam liberavit. Quod et si

Ezech. xxxiii. 6.

buccina non insonuerit, cum hujusmodi *gladium venientem viderit, et populus non custodierit se, veneritque gladius et tulerit de eis animam, sanguinem ejus de manu speculatoris requiret* Deus, sicut in eodem loco manifeste ostenditur. Sed qui credunt hujus buccinæ sonitum esse solum verborum ore prælatorum exteriorem sonitum, ni fallar, ipsi falluntur plurimum. Nunquid enim prælatus animam suam liberavit, si verbo

Eli,

tenus dixerit? Si hoc esset, Hely sacerdos animam suam liberasset. Dixit enim filiis suis exteriori verbo quæ possent ejus ad salutem sufficere. Sed sicut bos vel equus mortuus vere bos non est aut equus,[1] dicitur tamen communi sermone cum conspicitur cadaver integrum ibi jacere, bos aut equus; sic verbum oris, licet vulgariter verbum dicatur, vere verbum non est; neque ejus prolatio vera annuntiatio est, nisi vivat verbum prolatum ex interiori fide per prolationem[2] exterioris[3] operante. De cujusmodi verbo et

[1] *mortuus . . . equus*] om. Trin.
[2] *prolationem*] dilectionem, C.C.C., Ox.
[3] *exterioris*] exterius, Ox.

verbi annunciatione dicit Apostolus: *Nemo potest dicere Dominus Jesus nisi in Spiritu Sancto.* Et nisi verbi plenitudo clauderet in se operationem, non diceret alibi Apostolus de quibusdam Deum ore *confitentibus qui eum factis negant.* Is igitur veraciter est verbi annunciator, cujus annunciatio vivit de interiori fide informata dilectione operationem exteriorem saluti animarum necessariam producente[1]. Speculator itaque, qui talis annunciationis sonitu quasi buccina insonat, viso[2] gladio super terram venientem, animam suam liberavit. Alioquin proculdubio reus est sanguinis animæ, ablato ipso, buccina non insonante. Buccina enim quis non insonat, nisi doctrinam salutarem, quam exteriori verbo oris profert, fide firma teneat, affectu sincero invincibiliter diligat, et infatigabili operis exercitio compleat, ut populum sibi commissum contra gladium supervenientem muniat, non solum verbis sonantibus, sed multo amplius operibus ex fide diligente viventibus, in salutem animarum proficientibus. Quis autem negabit opera visitationis, correctionis, et reformationis in salutem animarum plurimum proficere?

1 Cor. xii. 3.

Tit. i. 16.

Quomodo igitur secludetur et excipietur a sonitu buccinæ vox horum operum? Habent enim, ut supratactum est, opera pondus vocis et clamoris. Aliter enim non dixisset Dominus ad Chaym, *Vox sanguinis fratris tui clamat ad me de terra;* neque Judas Machabæus orasset Dominum, ut *vocem sanguinis ad se clamantis audiret;* nec dixisset Dominus, *clamor Sodomorum et Gomorreorum multiplicatus est;* nec dixisset iterum Moysi exteriori voce tacenti, *Quid clamas ad me?* nec diceretur quod *lacrymæ viduæ ad maxillam descendunt, et exclamatio ejus super deducentem eas;*

and other examples.

Gen. iv. 10.

2 Mac. viii. 3.

Gen. xviii. 20.

Exod. xiv. 15.

Ecclus. xxxv. 18.

[1] *producente*] om. C.C.C. | [2] *viso*] in, Trin.

et hujusmodi plurima[1] in Scriptura, quæ luce clarius manifestant operationes pondus vocis obtinere. Igitur episcopus qui constitutus est speculator super totam diœcesim suam cum debeat ex speculatoris officio non semipleno, sed plenissimo, sonitu buccinæ omnes, supra quos constitutus est speculator contra supervenientem gladium præmunire et munire; necesse habet in omnibus pleno jure diœcesano sibi subjectis, hoc est, Apostolico privilegio non exemptis, officium visitationis, correctionis, et reformationis exercere, ne si minus in hoc expleverit, plenum buccinæ sonitum non dederit, et sic reatum sanguinis incurrat.

Isa. v. 7.

Watchmen are also placed in vineyards for their protection.

Solent etiam speculatores constitui in vineis ad vinearum custodiam, per quos etiam et rectores animarum designantur; *vinea enim Domini exercituum domus Israel est,* id est, ecclesia, quæ per fidem videt Deum. Quare et rectores ejus custodiæ et provisioni salutis ejus deputati, ipsius sunt speculatores. Est autem una diœcesis sicut una vinea, cujus speculator superior est episcopus. Rectores autem animarum sub se constituti, adjuncti sibi in administerium sui ministerii, singuli sunt sicut speculatores supra singulas vineæ partes ad speculandum statuti. Ipsa autem potestas regiminis et speculationis ordinaria tanquam specula est in vinea erecta; et licet sint multi speculatores, sunt tamen omnes in capite suo episcopo, a quo recipiunt speculationis potestatem, velut unus speculator, et ita omnes speculæ tanquam specula una. Ponamus itaque in una vinea speculam unam magnam, quæ formetur sicut pyramis laterata, habens etiam superiores et inferiores distinctiones, in quibus resideant superius et inferius speculatores, uno speculatore constituto in summo ad speculationem et custodiam totius vineæ; aliis autem in diversis lateribus pyramidis

[1] *plurima*] om. C.C.C.

constitutis, singuli ad singulas vineæ particulas speculandas et custodiendas, ut, quia speculator in summo speculæ constitutus non potest simul et semel[1] in omnes vineæ partes visum defigere, sed nunc vertens se ad Orientem in partem Orientalem, nunc ad Austrum in Australem, et similiter de partibus aliis, nullaque pars vineæ possit aliquando sine dispendio carere custodientis speculatione, per inferiorum speculatorum adminiculum compleatur cujuslibet partis vineæ continua[2] custodia, quod compleri non possit solius superioris speculatoris diligentia. Hujusmodi itaque speculator ad custodiam totius vineæ constitutus in superiori speculatione, nonne necesse[3] habet, si vult apud Dominum vineæ reatum non incurrere, quanta potest diligenti frequentia, nunc in hanc partem, nunc in illam, nunc in tertiam, et nunc in quartam, se vertere, omnesque vineæ partes quantum potest acuta speculatione conspicere et conspiciendo penetrare, ut si forte alicubi ingressæ fuerint *vulpeculæ ad demoliendum vineam*, illas possit subtili speculatione deprehendere et deprehensas capere vel saltem abigere? Si aliquis de inferioribus se speculatoribus prius eo eas deprehenderit, ceperit, vel abigerit, nonne illi, qui de tota vinea debet rationem reddere, hoc merito placebit? Si autem ipse præviderit, ceperit, vel abigerit, nunquid in hoc speculatori sub se constituto in sui ministerii subsidium injuriosus erit? Imo nisi hoc fecerit, Domino vineæ injuriosus erit, et sub se constitutis speculatoribus damnosus, cum hi de partibus vineæ suæ speculationi commissis debeant rationem reddere, puniendi si deficiant in reddenda ratione, a quo defectu immunes sunt, si superioris vigilantia vineam a demolitione conservavit. Præterea nonne hujusmodi

Though the charge belongs to the head watchman,

Cant. ii. 15.

yet he is pleased if the inferiors anticipate him in the watch.

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[1] *et semel*] om. C.C.C.
[2] *continua*] constituta, C.C.C.
[3] *nonne necesse*] om. Trin.

and he must see that they do their duty.

superioris speculatoris est ad inferiores speculatores, in adjutorium sui ministerii sibi adjunctos, suæ speculationis contuitum frequenter flectere, et si viderit aliquos stertentes[1] vel dormientes vel aliter a speculationis officio vacantes, eos excitare, corripere, corrigere; quosque in ministerio suo perspexerit prudentes et fideles, animare ad melius præmiis et laudibus? Potest et hujusmodi speculator superior, propter gradus sui in specula eminentiam et visus sui acumen in quo debet inferioribus[2] præminere, et propter experientiæ majoris majorem peritiam, omnia visu perlustrare quæ inferiores eo possunt speculari, et multa insuper ad quæ nullus eorum, sed nec simul omnium potest speculatio attingere.

The bishop corresponds to the head watchman of the vineyard.

Cum igitur, ut prædictum est, episcopus sit ille speculator qui in hujusmodi specula superiorem locum obtinet, et rectores animarum sub eo constituti qui loca obtinent inferiora, patet quod episcopi est per diligentis et frequentis visitationis officium totum speculari episcopatum, ut spiritales vulpeculas ubique capiat vel abigat; nec erit in hoc cuiquam injuriosus sed magis beneficus; ipsosque sub se constitutos speculatores debet similiter visitationis officio speculari[3], potens per hujusmodi officii[4] speculationem in multa, in quæ non potest inferiorum potestas ordinaria; quodque apud Dominum vineæ, videlicet Jesum Christum, reus erit, si prædicta non fecerit. Cultor vineæ est episcopus. Nunquid quia habet sub se deputatos in colendi ministerium coadjutores, non poterit manu propria aut ramum aliquem inutilem abscindere, aut utilem fulcire et fulcimento alligare, aut spinam aut perniciosam herbam evellere, aut circa radicem aliquam fimum apponere, aut botrum a terra ne putrescat sublevare, vel quicquam hujusmodi ad emendationem vineæ facere?

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[1] *stertentes*] studentes, Trin.
[2] *in . . . inferioribus*] om. Trin.
[3] *speculari*] visitari, C.C.C.
[4] *officii*] om. C.C.C.

Medicus spiritalis est episcopus, cujus curæ commissæ sunt omnes animæ suæ diœcesis, ut suo ministerio sanæ conserventur et ægrotæ sanentur. Et quis est medicus qui, licet propter multitudinem suæ curæ commissorum habeat in sui ministerii adminiculum sub se constitutos minores medicos, non potest suæ curæ commissos, quoties expedire viderit, visitare, causas et signa morborum investigare, et qualiter medici inferiores officium curationis egerint, perscrutari; et si quid invenerit minus[1] actum per eos ipsemet supplere, inferiorum medicorum imperitiam instruere, negligentiam punire, errorem corrigere, et cui voluerit de ægrotantibus, potionem sanitivam opere proprio parare manuque propria porrigere? Quin imo nisi hæc et hujusmodi fecerit, medicus est infidelis. Quomodo igitur spiritalis medicus non faciet hæc et hujusmodi officii sui ministerio secundum sui possibilitatem, tanto vigilantius quanto anima est melior corpore, et spiritalis sanitas melior et magis necessaria corporali sanitate, et ægritudo spiritus deterior corporali ægritudine? Solent prudentes et pii medici alios medicos sibi non subjectos, sed compares et socios, ad suos patientes visitandos introducere. Nunc autem inferiores medici magistrum proprium a visitando[2] magistri patientes proprios viribus omnibus nituntur repellere; quo quid est magis impium magisve crudele?

The bishop, too, is a spiritual physician, who must inspect the physicians placed under him.

In omnibus artificiis artificii et artificum magister libere potest sicut debet materierum artificii sui, et ipsius constructionis artificii, instrumentorum quoque necessariorum in artificio, proprietates, differentias, modos, et circumstantias[3] investigare et perscrutari

In all arts, the master ought to be acquainted with the various circum-

[1] *minus*] om. CCC.

[2] *visitando*] visitatione, Gascoigne in Ox.

[3] *et circumstantias*] om. C.C.C., the scribe leaving a blank for the two words.

stances of the art, so as to correct errors.

summa diligentia, et de ipsorum ministrorum peritia, diligentia, et fidelitate experientiam sumere, ut si quid sit vitiosum et mendosum, corrigat; nec hoc solum per alios, sed cum expedire viderit[1] et per seipsum.

How can this be denied in the "art of arts?"

Quæ est igitur admiranda sapientia, quæ negat hæc et hujusmodi posse et debere fieri in regimine animarum, quod est "ars artium," in qua erratur periculosissime et errores relinquuntur incorrecti impiissime? Episcopi sunt patres omnium jure diœcesano sibi subditorum, et non solum patres *generando per Evangelium in Christo*, sed et in utero compassionis concipiendo, et calore dilectionis fovendo, et solicitudine et labore formationis in Christo parturiendo[2], sunt matres, unde et Apostolus dicit, *Filioli mei, quos iterum parturio donec formetur Christus in vobis.*

1 Cor. iv. 15.

Gal. iv. 19.

Sunt et insuper nutricis vicem obtinentes, unde et Paulus dicit: *Facti sumus parvuli in medio vestrum, tanquam si nutrix foveat*[3] *filios suos.* Quod autem fuit Paulus ad eos quibus dirigebat dictos sermones, hoc proculdubio sunt episcopi ad suæ curæ commissos. Episcopi namque in ecclesia locum tenent[4] Apostolorum, et vices eorum habent, tanquam *filii pro patribus nati, super omnem terram principes constituti.* Sed quis est pater qui non corripit filios? Et quis est filius qui patris repellit disciplinam? Scriptum est: *Fili mi, noli negligere disciplinam Domini, neque fatigeris dum ab eo argueris; quem enim diligit Dominus castigat, flagellat autem omnem filium quem recipit. In disciplina perseverate, tanquam filiis offert vobis se Deus. Quis enim filius quem non corripit pater? Quod si extra disciplinam estis, cujus parti-*

1 Thess. ii. 7.

Bishops are like nurses and parents towards their children.

Ps. xliv. 17.

Heb. xii. 5—11.

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[1] *expedire viderit*] expediret, Trin.

[2] Trin. inserts *et.*

[3] *foveat*] nutriat, Trin.

[4] *tenent*] optinent, Trin., Ox.

cipes facti sunt omnes; ergo adulteri et non filii estis. Deinde patres quidem carnis nostræ habuimus, eruditores, et reverebamur eos; nonne multo magis obtemperabimus Patri spirituum, et vivemus? Et illi quidem in tempore paucorum dierum, secundum voluntatem suam erudiebant nos; hic autem ad id quod utile est in recipiendo sanctificationem ejus. Omnis autem disciplina in præsentia quidem videtur non esse gaudii, sed mœroris; postea autem fructum pacatissimum exercitatis per eam reddit justitiæ. Ecce quam vehementer increpat Apostolus rebellantes paternæ disciplinæ, et quam efficaciter persuadet filios patrum disciplinam non negligere, neque fatigari ab eorum argutione, sed castigationem, correptionem, et etiam flagellum, licet *non gaudii sed mœroris in præsenti videantur esse,* amanter et obedienter suscipere, et tanto amantius et obedientius a patribus spiritalibus quam a carnalibus, quanto pacatiorem justitiæ fructum referunt in sanctificationem. Alioquin *non filii, sed adulteri sunt,* et incidunt in illud propheticum: *Væ qui dicit patri, quid generas? et mulieri,* Isa. xlv.10.
quid parturis? Nunquid non hoc dicunt, qui asserunt episcopos per visitationis, correctionis, et reformationis officium non debere sibi jure diœcesano subjectos *filios in Christo generare et parturire donec formetur in eis Christus?*

At forte dicent, supradicta auctoritas Apostoli suadet Objection.
non negligere disciplinam Domini, non præcipit suscipere disciplinam episcopi.

Sed qui sic dicunt immemores esse videntur quod Its answer.
Dominus hæc et hujusmodi, quæ ad salutem sint animarum, in episcopis per episcopos facit. Ipse enim Dominus est, qui opera salutis in eis per eos operatur, unde loquens Apostolis, in Apostolis ait episcopis: *Non* S. Matt. x.
vos estis qui loquimini, sed Spiritus Patris vestri 20.
qui loquitur in vobis. Et iterum: *Qui vos recipit, me* S. Luc. x.
recipit; et qui vos audit, me audit; et qui vos spernit, 16

2 Cor. xiii. 3. *me spernit.* Et Apostolus ait, *An experimentum vultis Ejus qui in me loquitur?* Similiter igitur et alia salutis opera non episcopi sunt, qui faciunt, sed Christus qui in eis operatur. Licet igitur in superioribus verbis Apostoli castigatio filiorum, correptio, et flagellatio Domino attribuantur, non per hoc ab his episcopi patres spiritales excluduntur, sed includuntur, cum imitatores Dei esse debeant, et Ejus per omnia, quantum humanæ fragilitati possibile est, sequi vestigia. Cumque episcopi sunt patres, non ab aliunde,
Eph. iii. 15. sed ab Ipsius paternitate, *ex quo omnis paternitas in cælo et in terra nominatur*, et eorum curæ commissi, non aliunde quam a correlativa filiatione ad hanc paternitatem, dicantur eorum filii, quid manifestius quam quod hujusmodi filii cum hujusmodi patrum rebellant et resistunt correptioni, castigationi, et correctioni, resistunt etiam et rebellant Deo Patri in hoc, ex cujus paternitatis affluentia recipiunt, quod patres sunt episcopi. Quis pater videns filium suum mittentem se in ignem aut aquam aut aliud mortis periculum, non statim accurrit ipsemet, et propriis manibus apprehendens retrahit et eruit a periculo? Et si tradiderit filium custodibus servandum, nunquid filium a periculo liberans injuriatur custodibus[1]? Quinimo custodes multum injuriati sunt patri et punitione sunt digni, si eorum incuria et negligentia appropinquavit filius mortis periculo, et si eorum negligentia non est ab hoc præservatus. Quæ etiam est mater aut nutrix sedula quæ, si viderit puerum ponentem serpentem in sinum suum, non continuo accurret ipsamet ut extrahat illum? Et quantum putas ægre ferret, si quisquam currentem ad hoc retardaret aut currenti obsisterit? Quantumque gauderet, quantasque referret gratias, si quisquam citius præcurreret, et in liberando puerum a periculo eum præveniret?

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[1] *servandum . . . custodibus*] om. C.C.C.

Cum igitur episcopus, ut prædictum est, patris, matris, et nutricis, respectu omnium curæ suæ commissorum, vicem obtineat, quid est quod dicunt quod ad episcopum non pertinet, quos viderit de commissis suæ curæ in mortis æternæ periculum se proicere, manu et opere disciplinæ, correptionis, et correctionis ecclesiasticæ a mortis periculo eripere, sed solum in hac parte, ut a custode forte tunc absente, aut dormitante, aut pigritante, aut ad hoc impotente, eripiatur, expectare, cum milies[1] possit puer sub hac expectatione periisse?

Sed forte dicent medii prælati inter episcopum et inferiorem clerum et populum, "Vocas nos custodes; "nos sumus patres, matres, et nutrices, sicut et tu."

Another objection: that the inferiors are also parents, &c., like the bishop.

Et quis negat hoc esse verum? Sunt enim omnes animarum pastores ad suæ curæ commissos dictorum nominum rationes gerentes. Ipsi nihilominus inferiores prælati existentes episcoporum filii, ac per hoc si ipsi disciplinam, castigationem, correptionem, et correctionem episcopi repellant, non veri filii, ut dictum est, *sed adulteri sunt.* Nec quia ad inferiores patres sunt, ideo episcopus non est pater eorundem, sed magis quam illi pater est. Et ponamus patremfamilias qui filios habeat in sua domo, et illi filii filios quorum omnium curam supremam et maximam gerat paterfamilias; nunquid idem paterfamilias injuriatur filio suo, si filium filii disciplinet, castiget, corripiet, corrigat, et reformet, et tandem si a mortis periculo liberet? Quomodo haberet domum ordinatam, essetque paterfamilias, si quemquam de familia non posset dirigere et corrigere?

True, but yet they are sons to the bishop, and therefore subject to him.

Legitur in Genesi quod cum peccassent primi parentes, et deambulavit Deus in Paradiso, et ipsi a facie Domini se absconderunt, quia nimirum peccati tene-

Gen. iii. For instance, although the

[1] *milies*] miles, C.C.C., Trin.

S. Joh. iii. 20. brositas *odit et fugit lucem manifestantem et redarguentem;* Dominus autem vocando Adam et quærendo ubi esset, de absconso eduxit ipsum etiam et uxorem suam, super peccato commisso diligenter examinavit, et invento reatu ipsos cum serpente peccati persuasore districta punivit animadversione. Hæc fecit Dominus per se, licet jam tunc haberet sub se angelorum ordines, angelisque comisisset Paradisi et hominis in Paradiso positi custodiam, nec essent angeli in sibi commissa custodia injuriosi aut negligentes. In quo quid aliud ostenditur[1], quam quod prælatus in ecclesia sibi commissa, quasi in quodam Paradiso, deambulare debet pedibus pastoralis solicitudinis, et in peccatis delitescentes visitando evocare, invenire, et educere, et ecclesiasticæ disciplinæ severitate percellere ut sanet, non obstante quod inferioribus prælatis etiam non negligentibus nec injuriosis commisit custodiam[2] subjectæ plebis? Cumque ipsi inferiores prælati sint adhuc sicut et plebs *infirmitate circumdati,* possintque in peccatum labi, quomodo *Abel pastor ovium de progenitis gregis sui et de adipibus eorum* offerret sacrificium quod *respiciat Dominus,* nisi episcopus, cujus typus est Abel, prælatos sibi proximos in ordine et dignitate possit corrigere et reformare, et sic de illis tanquam *de progenitis gregis et eorum adipibus* hostiam Deo acceptabilem offerre. Præceptum legis est, ut de primitiis et progenitis sacrificia et hostias[3] offeramus. Igitur cum capitulum episcopi sit ejus primitiæ et progeniti, ipsos præcipue, qui sunt de suo capitulo, oportet offerre hostiam acceptabilem Domino. Quod qualiter complebit, si non visitabit, corriget, et reformabit, cum pecus vitiatum non sit Domino offerendum? Item nonne Ipse Dominus visitavit per seipsum

care of Paradise had been given to angels, yet God himself punished Adam's sin.

Heb. v. 2.

Gen. iv. 2, 4.

Other examples; Abel.

Deut. xii. 6.

[1] *ostenditur*] sequitur, C.C.C.
[2] *custodiam*] om. Trin.
[3] Trin. and C.C.C. insert *et.*

et punivit facinus Chaym, cum posset tamen per angelos[1] ad custodiam ejus deputatos, peccatum ipsius visitasse et punivisse? Nonne Ipsemet Dominus visitavit et punivit diluvio, quia *omnis caro corruperat viam*[2] *suam?* Nonne Ipse *Dominus descendit, ut videret civitatem et turrim quam ædificaverant filii Adam,* et eos punivit labiorum confusione et dispersione in universas terras? Ipse quoque Dominus angelis comitatus *descendit ut videret utrum Somoditæ et Gomorræi clamorem qui venerat ad Eum opere complevissent.* Ipse *Dominus a Domino,* id est, Filius a Patre, inventa completione, *pluit sulphur et ignem* in eorum punitionem; cum tamen hoc per angelos posset fecisse, sicut per eos precedente nocte Sodomitas percusserat cæcitate?

Cain. The deluge. Gen. vi. 12. Gen. xi. 5. The tower of Babel. Gen. xviii. 21. Gen. xix. 24. Sodom and Gomorrha.

Noæ, rectori archæ, licet haberet filios in regimine archæ coadjutores, dictum est, quod ipse *tolleret ex omnibus animantibus mundis septena et septena, masculum et feminam; de animantibus vero immundis duo et duo, masculum et feminam, ut salvaretur semen super terram.* Quod constat eum fecisse: *fecit* enim *omnia quæ mandaverat ei Deus;* ipsemet *fenestram archæ aperuit;* ipsemet corvum et columbam emisit, reversamque columbam suscepit; ipsemet animalia secum de archa eduxit; ipsemet postea *altare ædificavit, et de cunctis pecoribus et volucribus obtulit.* Et quid est Noe rector archæ nisi episcopus rector ecclesiæ? Quomodo igitur nil faciet per se, nisi filii sui assumpti secum in regiminis coadjutorium comprobentur injuriosi aut pigritantes? Filii namque Noæ nondum legebantur pigritantes aut injuriosi his qui in archa erant fuisse.

Noah. Gen. vii. 2, 3, 5. Gen. viii. 20.

Ipse quoque Abraham, qui similiter typus est

Abraham.

[1] *angelos*] singulos, MSS. corrected in Ox. by Gascoigne.
[2] *viam*] vitam, C.C.C.

prælatorum, non per alium sed per seipsum *tulit*
Gen. xvii. 23. *Ismael filium suum et omnes vernaculos domus suæ, universosque quos emerat*[1] *cunctosque mares ex omnibus viris domus suæ, et circumcidit carnem præputii eorum,* alienigenis etiam pariter circumcisis, *statim in ipsa die sicut præceperat ei Dominus.*

Jacob. Jacob quoque, qui et ipse typus est prælatorum, per seipsum domum suam visitavit, et ab idololatria purgavit. Gen. xxxv. 2, 4. *Convocata enim omni domo sua, ait, Abicite deos alienos qui in medio vestri sunt, et mundabimini, ac mutate vestimenta vestra. Dederunt igitur ei omnes deos alienos quos habebant, et inaures quæ erant in auribus eorum; at ille infodit eos subter terebinthum, quæ est post urbem Sichem.*

Joseph. Joseph quoque proculdubio figuram tenet pontificum, Gen. xli. 40, 41, 43. cui dictum est: *Tu eris super domum meam, et ad tui oris*[2] *imperium cunctus populus obediet. Ecce constitui te super universam terram Ægypti; absque tuo imperio non movebit quisquam manum aut pedem in omni terra Ægypti.*

Ecce quam aperta sunt testimonia quod prælatus per seipsum potest et debet perficere quæ ad salutem animarum viderit expedire, non solum quæ ordinis sunt, sed et quæ jurisdictionis, utpote visitationes, correctiones, et reformationes. Non enim ea, quæ prædicti patriarchæ per se fecerunt, significant solummodo quæ ordinis sunt.

Aaron's jurisdiction in cases of leprosy. Lepræ judicium ad Aaron et ad filios ejus pertinet, et *ad arbitrium*[3] *Aaron separabitur* in quo ipse Aaron signa lepram manifestantia invenerit. Ad arbitrium quoque ejus, qui vera lepri signa non habuit, mundus judicabitur. Ad arbitrium etiam sacerdotis Levit. xiii. 3. dijudicatio lepræ tam in veste quam in pelle, *omni-*

[1] *emerat*] om. Trin.
[2] *oris*] erit, Trin.
[3] *ad . . . arbitrium*] om. Trin.

quæ supellectile pellicea pertinere dinoscitur: ex quibus manifestum est quod ad episcopi censuram pertinet discussio peccatorum tam majorum quam minorum personarum curæ suæ commissarum[1]. Levit. xiii. 59.

Aaron quoque et filii ejus sacerdotes qui uncti sunt, et quorum repletæ et *consecratæ sunt manus, ut sacerdotio*[2] *fungerentur*, ipsimet secundum præceptum Domini *disponunt onera singulorum et dividunt* ut *sciant singuli* Levitarum, *cui oneri debeant mancipari*. and over the Levites. Exod. xxviii. 41. Num. iv. 19, 27.

Ipse quoque Moyses, postquam *constituerat tribunos, centuriones, quinquagenarios, et decanos ad judicandum populum omni tempore*, adjunctis sibi qui Domini erant, delictum filiorum Israel commissum in aurei vituli conflatione et ejusdem adoratione, discretis delinquentibus ab his qui non deliquerant, deliquentium morte punivit. *Colligentem* quoque *ligna in Sabbato* et blasphemantem in Deum *filium mulieris Israelitidis, quem pepererat de viro Ægyptio*, lapidandos[3] ex oraculo Dei decrevit; Chore quoque, Dathan, et Abyron contra ipsum, imo contra Dominum in ipso, rebellantibus, ipse *misit ut vocaret Dathan et Abyron*, ipsemet discrevit quid facturi essent, ut appareret quos Dominus elegisset. Moses, after he appointed assistants, yet punished. Exod. xviii. 25. Num. xv. 32. Levit. xxiv. 10. Num. xvi. 12.

Ipse quoque Moyses, propter fornicationem et idololatriam populi, *principes populi*[4] *suspendit contra solem in patibulis*, eos damnans pro peccatis populi ab eis non correcti. *Phineas filius Eleazari* manu propria, *arrepto pugione, ingressus in lupanar perfodit* scortantes *in locis genitalibus*; propter quod Dominus dedit ei *pactum sacerdotii sempiternum, quia zelatus est pro Deo suo et expiavit scelus filiorum Israel*. Num. xxv. 4, 7, 8, 13.

Ad sacerdotem quoque, et nulli dubium quin ad The adulteress.

[1] *commissarum*] dimissarum, Trin.
[2] *ut sacerdotio*] om. Trin.
[3] *lapidandos*] lapidatos, C.C.C.
[4] *principes populi*] om. C.C.C.

Num. v. 15, etc. sacerdotum principem, adduci præcipitur mulier suspecta de adulterio, ut per *legem zelotypiæ* declaretur a sacerdote ejus reatus aut innocentia, et ipsa recipiat secundum sua merita.

Joshua. Josue quoque, non per unum aliquem de senioribus Israel, sed per seipsum, inquisivit et invenit quis *prævaricatus fuit mandatum Domini, usurpando de anathemate* Jericho, inventumque reum cum furto suo, congregato cum eo omni Israel, *duxit ad vallem Achor*, dixitque ad eum condemnans, *Quia turbasti nos, turbet te Dominus in die hac;* ad quam condemnationem *lapidavit eum omnis Israel, et cuncta quæ illius erant igne consumpta sunt.* (Jos. vii. 1, 25.)

Nunquid non ex his evidens est, quod omnes ecclesiæ et omnia earum jura ad ordinationem episcopi pertinent, et ejus judicio et potestate gubernari debent, ejusque sit visitatio, correctio, et reformatio omnium curæ suæ commissorum, non solum minorum sed et majorum, eorum videlicet qui sub ipso curam populi gerunt, non obstante eo quod habet sub se, ut sæpe dictum est, in oneris sui allevationem, non in potestatis suæ aut ministerii sui ademptionem, coadjutores?

The need of expiation. Cum enim multi sunt qui nec ad prædicationem, nec ad exemplorum ostensionem, nec ad sacramentorum administrationem a peccatis suis expientur et mundentur, sed quia duri sunt, egent regi in virga ferrea, ut lutea et indurata eorum opera constringantur, et sic tandem resipiscant et expientur; nisi episcopus possit visitare et in virga disciplinæ ecclesiasticæ tales regere et dirigere, quomodo stabit quod dicit Dominus per Moysen ad populum Israel? *In hoc die expiatio erit vestri, atque mundatio ab omnibus peccatis vestris; coram Domino mundabimini. Expiabit autem sacerdos qui unctus fuerit, et cujus initiatæ sunt manus ut sacerdotio fungatur pro patre suo; indueturque stola linea et vestibus sanctis, et expiabit sanctuarium et tabernaculum testimonii atque* (Levit. xvi. 30, 32, 33.)

altare, sacerdotes quoque et universum populum. Nisi enim visitet, et in virga et rigore disciplinæ castiget et corrigat tam subditos quam præpositos, quos invenit per alia officii episcopalis ministeria non correctos, quomodo expiabit *sanctuarium, tabernaculum, atque altare, sacerdotes quoque et universum populum* ab omnibus peccatis suis? Dominus per Moysen locutus est ad Aaron, ut *homo de semine Aaron habens maculam non offerat panes nec hostiam Deo.* In quo evidenter innuitur, quod Dominus per legem loquitur episcopo,[1] ut ipse sua provideat solicitudine et diligentia, ne quis de animarum rectoribus, qui quasi de ejus semine sunt geniti, dum ab ipso recipiunt potestatem regiminis, maculam habeat aliquam spiritaliter de his quæ per figuram corporalium macularum ibidem enumerantur, ne forte contingat a talibus contra divinum mandatum panem offerri aut hostiam. Quia, sicut ait beatus Gregorius, exponens illum locum, "diluere aliena delicta non valet is, quem adhuc propria devastant."

Levit. xxi. 17.

S. Gregor. Reg. Past. i. cap. 11, col. 14.

Duces exercituum et castrorum Domini sub se constituerunt fortissimos bellatores principes turmarum et acierum, quorum quidam paucioribus, quidam pluribus, præerant; sicut legimus in Paralipomenon David fecisse. Nunquid ideo ipse David non potuit propria manu propriisque viribus aut aliquem de turma a manu hostili eripere, aut quemquam de hostibus impetere, repellere, aut occidere? Nunquid non potuit circa ipsos turmarum principes aut circa turmas quibus præerant quicquid disponere, corrigere, aut reformare de his quæ ad negotia bellica pertinebant? Qualiter ergo scriptum est de eo, quod *octingentos interfecit impetu uno?* Imo tam ipse quam alii duces castrorum Domini non solum erant fortissimi bellatores, sed et propugnatores hostium, castra

Example of David and his generals.

1 Chron. xxviii. 1.

2 Sam. xxiii. 8.

[1] *episcopo*] om. C.C.C.

præ aliis audacius et fortius invadentes et perturbantes[1], nulla tamen in ministerio bellico inventa in ipsis turmarum principibus negligentia aut injuria. De ipsis namque principibus David scriptum est, quod erant

1 Chron. xii. 8, 38. *robustissimi et pugnatores optimi, quorum facies quasi facies leonis, et veloces quasi capreæ in montibus, expediti ad pugnandum corde perfecto.* Quomodo igitur episcopi, duces castrorum Dei,[2] nullum per se a manu hostili eripient, nullum vitium perturbabunt, et occident gladio et hasta rigoris ecclesiasticæ disciplinæ, nisi forte fuerint rectores sub se constituti negligentes inventi aut injuriosi? Quomodo nihil circa ipsos rectores disponet, corriget, aut reformabit episcopus de his quæ ad bellum pertinent spiritale? Nonne episcoporum est ascendere ex adverso et opponere se[3] murum pro domo Israel, et stare, non jacere in prælio in die Domini?

Duties of the bishops in their dioceses.

Episcopi verbi Dei evangelizatores cum evangelistis cælestia sunt animalia, non solum pennata, sed *ante*

Apoc. iv. 6. *et retro oculis plena;* pennata quidem sunt, ut sicut docet Salomon, *præpete motu discurrant* ad exemplum

S. Matt. ix. 35. Christi, *circuiendo per civitates et castella* suæ diœcesis, et festinent[4] ut amicum suum suscitent, hoc est, quemlibet suæ curæ commissum, quem sicut se ipsos

Joel. i. 17. diligunt, somno peccati oppressum jacentem, et *computrescentem ut jumentum in stercore suo,* non solo prædicationis verbo aut conversationis exemplo, quia multi per hæc non sunt suscitabiles, lethali somno vehementius oppressi; sed et stimulis flagelli castigantis evigilare compellant, quod ut discrete facere possint, oculati sunt undique, ut, sicut dicit Gregorius, "quæ in aliis "sunt corrigenda, valeant comprehendere[5]." Sed ad quid corrigenda deprehenderent nisi et corrigere

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[1] *perturbantes*] pertractantes, Trin.
[2] *Dei*] dicti, Trin.
[3] *se*] om. Trin., Ox.
[4] *festinent*] sustinent, Trin.
[5] *comprehendere*] deprehendere, C.C.C.

valerent? Et quid est quod corrigendorum deprehensionem plus juvat quam visitationis officium? Subtracto a pastore, qui continuus visor non est, visitationis officio, nisi præpediat eum urgentior circa ecclesiasticam utilitatem occupatio, qualiter complebitur in eo justitia de qua dicit Salomon, quod *novit justus animas jumentorum suorum*? Qualiterque perficiet quod alibi per Salomonem ei præcipitur, ut *diligenter agnoscat vultum pecorum*[1] *sui et greges suos consideret*, cum hujusmodi per considerationem agnitio haberi non possit de pluribus jumentis spiritalibus, et pecoribus[2] sine visitationis et diligentis inquisitionis officio? Item qualiter *proprias oves vocabit nominatim*, nisi cujusque earum cognoscat nomen, hoc est, collectionem proprietatum, virtutum[3] videlicet aut vitiorum propriam uniuscujusque, quam non est in alia reperire? Et hanc proprietatum collectionem qualiter cognoscet in pluribus absque diligentissimis visitatione et inquisitione[4]? Ad Adam *adducta sunt omnia*[5] *animalia, ut ipse videret quid ipsemet vocaret ea.* In quo manifestissime innuitur, quod ad episcopum, qui est in ecclesia sibi commissa velut Adam in Paradiso, pertinet omnium suæ curæ commissorum mores diligenter inquirere, ut sic videat quid debeat quemque vocare, ut nullum[6] vocet non suo nomine, quia *omne quod vocavit Adam*[7] *animæ viventis, ipsum est nomen ejus.*

Prov. xii. 10.

Prov. xxvii. 23.

Gen. ii. 19.

Gen. ii. 19.

Ezechiel adductus[8] est in Jerusalem in visione Dei, ut videret *abominationes magnas quas fecit domus Israel*, et ut *adhuc plenius abominationes majores* prospiceret, *introductus*[9] *est ad ostium atrii, et viso ibi foramine uno in pariete*, jussus est *fodere pari-*

Ezechiel's vision

Ezech. viii. 6–9.

[1] *pecorum*] peccatoris, C.C.C., pecoris, Ox.

[2] *pecoribus*] peccatoribus, C.C.C.

[3] *virtutum*] om. C.C.C.

[4] *et inquisitione*] om. C.C.C.

[5] *omnia*] omnino, C.C.C.

[6] *nullum*] nomen, C.C.C.

[7] MSS. insert *ad*; expuncted in Ox. by Gascoigne.

[8] *adductus*] adjectus, C.C.C.

[9] *introductus*] adductus, $C.C.C_2$.

etem, quem *cum perfodisset, apparuit ostium unum*, quod *ingressus vidit abominationes pessimas quas faciebant* non solum minores et juniores [1]; sed et etiam seniores domus Israel. Ex quibus satis evidenter ostenditur, quod episcopus datus speculator domus Israel, etiam de longinquo in visione Dei in suam Jerusalem, hoc est, in suæ curæ commissam ecclesiam [2], est adducendus, ut videat si qui faciant in ea abominationes peccati; nec debet stare de foris per ignorantiam eorum quæ intus geruntur [3], sed introduci primo ad manifestiora magisque patentia, ut inde nacta [4] occasione diligenter consideret et investiget si quid occultorum et graviorum peccatorum appareat signum, et si quis ad illa invenienda possit aperiri ingressus; sicut enim ait beatus Gregorius, " Nonnulla sunt subtiliter et occulte perscrutanda, ut, " quibusdam signis erumpentibus, rector in subditorum " mente omne quod clausum latet, inveniat, et interveni-" ente correptionis articulo ex minimis majora cognoscat." Unde post visum foramen ad Ezechielem dicitur, quod foderet parietem; quo perfosso, " apparuit ostium; " quia cum cordis duritia" subditorum a rectore " vel " studiosis percunctationibus vel maturis correptioni-" bus scinditur quasi quædam janua ostenditur, ex " qua omnia" occulta videantur. Parietem namque perfodere est, " acutis inquisitionibus duritiam cordis " aperire." Prius itaque foramen in pariete, ac deinde ostium cernitur, " et tunc demum occulta abominatio " demonstratur; quia nimirum uniuscujusque peccati " prius signa forinsecus, deinde janua iniquitatis " apertæ ostenditur, et tunc demum omne malum " quod intus latet, aperitur. Idcirco etiam sancti " doctores graviter solent minuta discutere, ut ab ex-" tremis exterioribus ad occulta possint majora per-" venire." Cum itaque in persona præpositorum ecclesiæ hæc dicta sint de Ezechiele, quid manifestius

used as an example to the bishops.

S. Gregor. Reg. Past. ii. cap. 10, col. 29.

S. Greg. in Job. cap. xxxiv. lib. 26. 8, col. 815.

[1] *juniores*] majores, Trin.
[2] *ecclesiam*] om. C.C.C.
[3] *geruntur*] generantur, C.C.C.
[4] *nacta*] id est, adquisita, Gascoigne in Ox.

quam quod ad præpositum pertineat, acutis inquisitionibus tam minora quam majora, non solum minorum sed et majorum, mala perscrutari et perscrutando invenire, ut ecclesiasticæ disciplinæ acumine omnium valeat omnia mala resecare?

Jeremiæ dictum est a Domino, *Ego dedi te hodie in civitatem munitam, et in columnam ferream, et in murum æreum super omnem terram, regibus Juda, et principibus ejus, et sacerdotibus, et populo terræ; et bellabunt adversum te, et non prævalebunt; quia ego te cum sum ut liberem te.* Constat quod Jeremias, cui injungitur a Domino, ut *accinctis lumbis surgat et loquatur omnia quæ præcipit ei Dominus*, typum gerit prælatorum, quorum quilibet datus est *in civitatem munitam.* Cum enim omnes suæ curæ commissi in ejus fide et caritate uniantur et congregentur, ut sub una lege, Dei videlicet et constitutionum ecclesiasticarum, unanimiter vivant, quasi unam civitatem et unam rempublicam in eo faciunt. Ecclesia namque in episcopo et episcopus in ecclesia, quid aliud est quam civitas una? Munita autem est virtute perseverantis fortitudinis contra omnem impulsum et omnem impetum cujusque temptationis et tribulationis. Columna quoque ferrea est episcopus in ædificio ecclesiæ sibi commissæ, non alicujus partis, sed totius ædificii infatigabili supportatione, sicut fuerunt *Jacobus et Cephas et Johannes*, quorum locum obtinet. Murus vero est episcopus, interpositione sui inter universas et singulas animas sibi commissas et hostes impugnantes vitia, videlicet et dæmones. Cum igitur prælatus datus sit a Domino in hæc tria, et non quibusdam sed omnibus curæ suæ commissis, tam majoribus quam minoribus, ut evidenter exprimitur in litera, quid aliud nituntur quam hunc murum subvertere, et columnam hanc diruere, et civitatem disperdere, qui conantur episcopum a visitatione, castigatione,

Jer. i. 18, 19.

Jeremiah a type of the bishops as pillars of the church.

Jer. i. 17.

Gal. ii. 9.

correctione, et reformatione repellere, cum his fidei et morum unitas conservetur[1], supportetur, et defendatur?

Non solum enim oratione, prædicatione, exemplorum bonorum ostensione, et sacrorum administratione unitur, viget, stat, et protegitur ecclesia, sed et visitatione, correctione, et reformatione. Quæ tria ultima si defuerint, nunquid civitas unitionis sub una lege Christi viventium, et columna supportationis, et murus defensionis plenam et puram integritatem servabunt[2]? Si hæc omnia salvandis animabus sunt necessaria, cur subtrahentur episcopo, qui datus est in salutem omni populo, plus posteriora quam priora?

The commission given to inferiors no more takes away the bishop's power,

Si dicat quis quia commissa est inferioribus prælatis suorum subditorum correctio et reformatio, ideo hæc adimuntur episcopo; ergo eadem ratione, quia commissum est eis orare, prædicare, exempla bonæ conversationis præstare, sacramenta ecclesiastica ministrare populo eis subjecto, adimentur hæc omnia episcopo. Dominus noster Jesus Christus, cujus omnis actio nostra est lectio et instructio[3], qui *passus est, nobis relinquens exemplum ut sequamur vestigia ejus*, mittens discipulos ad prædicandum *dedit illis virtutem et potestatem super omnia dæmonia, et ut languores curarent;* qui *ingressi circuibant per castella evangelizantes et curantes ubique*, subjectis etiam sibi dæmonibus. Licet igitur hujusmodi virtutem et potestatem dederit discipulis calcandi, videlicet, super serpentes et scorpiones et super omnem virtutem inimici, et insuper gratiam curationis et officium prædicationis, nunquid per hoc ipse sibimet hæc ademit? Nunquid non legitur postea et dæmones ejecisse, et

1 S. Pet. ii. 21.

S. Luc. ix. 1, 6.

than Christ's to His apostles took away His.

[1] *conservetur*] constituetur, C.C.C.
[2] *servabunt*] servabuntur, Trin. C.C.C., Ox.
[3] *instructio*] ministratio, Trin.

languores curasse, et prædicasse? Non est auditum, quod discipuli Dominum increparent, cum post collatam eis prædictorum potestatem, ipsemet nihilominus hæc faceret. Quinimo legitur quod Eum hujusmodi facere rogaverunt, utpote pro filia Chananeæ; in quo considerandum est, quod in Ejus præsentia, licet hujusmodi potestate eis prius collata, uti non attemptabant, magistro, sicut decebat, deferre volentes, et Ejus, non propriam gloriam quærentes; imitantes in hoc Joab[1], qui victoriam capiendæ civitatis non sibi, sed David voluit ascribi. Nec legimus quod Dominus discipulos increparet cum ea facerent, quæ ex potestate sibi tradita facere decebat. Legimus tamen Eum fecisse eis præsentibus quæ illi facere non poterant, sicut cum a lunatico, *qui sæpe in ignem et crebro in aquam ceciderat*, dæmonium ejecit, quod discipuli nequiverant. In quo ostenditur quod multa reservanda sunt superiori quæ inferioribus non committuntur, non solum quæ ordinis sunt, sed et quæ jurisdictionis. Increpans enim ejecit Dominus dæmonium hoc, in quo satis innui videtur disciplinæ rigor, qui etiam rebellium mala rescindit. Episcopus igitur Christi vicem in ecclesia tenens, qua fronte repelletur a suis subditis, ne per castigationis, correptionis, et correctionis officium spiritales nequitias et vitiorum languores sanet[2]?

2 Sam. xii. 28.

S. Matt. xvii. 14.

There are many other proofs of this in Scripture,

Sunt et alia sufficientia Scripturæ sacræ testimonia, quibus ostendi potest quod ad episcopos pertinet omnium sibi subjectorum et maxime ecclesiarum et ecclesiasticarum personarum visitatio, correctio, et reformatio, causarum quoque decisio, non obstante quod in adjutorium supportandi oneris dati sunt eis coadjutores participes suæ potestatis, majoribus negotiis, et his quæ per se tangunt universitatem, reservatis

[1] *Joab*] Jacob, Trin.
[2] *nequitias . . . sanet*] nequitiæ . . . sanentur, Trin., C.C.C.

ipsis episcopis. Cumque jus divinum sit jus naturale, quod prævalet consuetudini et constitutioni, et quæcunque vel moribus sunt recepta vel scriptis comprehensa, si naturali juri fuerint adversa, vana et irrita sunt habenda, etiam si mos, si consuetudo, si constitutio quæcunque vel scriptura alia prædictis adversarentur, vana et irrita penitus esset hujusmodi adversatio habenda. Deus enim Ipse per os legislatoris et prophetarum, et tandem per os proprium et Apostolorum, Scripturam sacram edidit, et quod in Scriptura ordinatum est et præceptum Ipse Deus ordinat et præcipit; sed ordinationi et præcepto Dei quis vel quid resistet? Quinimo sicut docet Augustinus in libro Confessionum, etiam "cum Deus aliquid "contra morem et pactum quorumlibet jubet, et si "nunquam ibi factum est, faciendum est, et si omis- "sum instaurandum, et si institutum non erat, "instituendum est." Ergo cum prædicta Deus ordinet et jubeat, modis omnibus sunt facienda.

and Scripture is the direct command of God.

S. Aug. Confess. Lib. iii. cap. viii. Opp. i. p. 93.

Cumque hæc rationem habeant evidentem[1], cum ratio et legi et consuetudini prævaleat, eo quod ratio et legem fecit et consuetudinem, et non e converso; non debet his obsistere legis civilis aut consuetudinis adversatio. Et cum observatio prædictorum magis operetur salutem animarum, et eorum omissio earum sit evidens detrimentum, cum debeant prælati sicut pastores boni pro gregis sui salute etiam animas ponere, quomodo poterunt salvi esse et prædicta non observare? Item cum Deus et ratio non errans et natura semper præeligant ad faciendum illud de pluribus quod est melius, et ecclesia[2] Dei sit imitatrix et rationis non errantis, cum prædictorum observatio melior sit quam eorum omissio, quis dubitat quin supradicta sint in ecclesia a personis ecclesiasticis

No civil law or custom ought to interfere.

[1] *evidentem*] dividentem, C.C.C. | [2] *ecclesia*] etiam, Trin.

inviolabiliter observanda? Non potest autem allegari pro consuetudine quod episcopus non visitavit, non inquisivit, non correxit, nec reformavit; neque potuit allegari pro consuetudine a subjectis episcopi quod non sunt visitati, nec correcti, nec reformati. Consuetudo enim negatio non est, neque privatio, neque negligentia, sed consuetudo est legitimæ seu licitæ actionis frequentatio. Non visitare autem et cætera quæ ad officium episcopale pertinent non facere, negatio et omissio et negligentia episcopi est. Non visitari quoque, neque corrigi, nec reformari, similiter negationes sunt seu privationes. Et si quis pertinaciter vellet contendere negationes, privationes, omissiones, et negligentias sub nomine consuetudinis comprehendi, nullo tamen modo posset prædictas negationes convincere esse consuetudines, sed corruptelas. Sicut enim illicitæ actionis frequentatio corruptela est, sic bonæ et utilis et maxime ad salutem necessariæ actionis negatio, seu privatio, seu omissio, corruptela est. Quid enim est corruptio nisi boni absentia? Visitationem autem, correctionem, et reformationem quis negat esse bona et omnibus bona? Quis enim tam perfectus in hac carne fragili in qua nullus est a peccato mundus, qui non indigeat corrigi et reformari, ac per hoc visitari? Privari autem bono, quis dubitat malum esse ei qui sibi congruenti bono[1] privatur? Igitur in privatione dictorum, non potest esse consuetudo; cum eorum privatio sit mala, consuetudo autem omnis sit bona, nec potest dici quod de novo facta visitatio sit novæ alicujus consuetudinis inductio ad onus ecclesiæ, sed est bonæ actionis et a jure approbatæ, male omissæ instauratio, ad alleviationem ecclesiæ ab onere peccati, quæ quanto diutius est omissa, tanto fortius est instauranda.

No custom can be alleged against the bishop's visitation; for custom is the habit of a lawful action, and the absence of visitation is a positive evil.

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[1] *bono*] loco, C.C.C.

Nor is the absence of visitation liberty.

Similiter non visitari, non corrigi, nec reformari non potest dici cujusquam[1] libertas; cum hæ negationes seu privationes malæ sint, libertas autem omnis sit bona[2]. Præterea quæ est vera libertas nisi non servire peccato? Et quæ est vera servitus, nisi qua servitur peccato? *Qui facit peccatum*, ait, *est servus peccati*. A quo enim quis superatus est, ejus servus est. Apostolus quoque ait, *An nescitis quoniam cui exhibuistis vos servos ad obediendum, servi estis ejus, cui obedistis, sive peccati ad mortem, sive obeditionis ad justitiam?* Igitur qui obeditioni serviunt ad justitiam servi sunt justitiæ et servi veritatis, ac per hoc servi libertatis, ac per hoc veri liberi. Quid enim est aliud esse liberum nisi servire illi libertati[3], quæ dicit, *Si Filius vos liberavit, veri liberi eritis?*

S. Joh. viii. 34.

Rom. vi. 16.

S. Joh. viii. 36.

Philo. Judæus. What liberty really is.

In ecclesiastica historia legitur[4] quod Philo, vir eloquentissimus et interpretatione atque intelligentia divinarum Scripturarum subtilissimus, inter cæteros quos scripsit libros, unum scripsit de eo, "Quod servus sit "omnis qui peccat;" item, alium de eo, "Quod liber "sit omnis qui bonis studiis operam præbet." Igitur cum visitatio, correctio, et reformatio a peccato eruant, justitiam et veritatem inducant, qui his opera præbent et obediunt, ut per hoc justificentur, liberi sunt; ac per hoc qui his rebellant et obsistunt, dura servitute oppressi et ligati sunt. Serviunt enim timido appetitui non subessendi; timereque possunt ne forte in hoc imitentur eum, qui, quare subesse noluit uni superiori, omnibus inferior merito effectus est. Habet quidem libertas in se ut non subsit, non cogatur, non compellatur invita, et ideo minus perspicue perspi-

[1] *cujusquam*] nusquam, C.C.C.

[2] *bona*] om. C.C.C.

[3] *libertati*] veritati, Trin.; C.C.C. om. *illi*.

[4] Eusebius, Hist. Eccl. ii. 18. Ἐπὶ τούτοις ὁ περὶ τοῦ δοῦλον εἶναι πάντα φαῦλον. Ὧι ἑξῆς ἐστὶν, ὁ περὶ τοῦ πάντα σπουδαῖον ἐλεύθερον εἶναι. The first of these is lost. The second will be found in the editions of Philo Judæus, *e.g.* Mangey. ii. p. 445.

cientibus videtur omnis subjectio et compulsio libertati contraria. Sed decipit eos nimis crassa fantasia; subesse namque non simpliciter[1], sed alicui, servitus est. Compelli quoque non simpliciter[1], sed ad aliquid, servitus est. Subesse namque suo inferiori et compelli ad opus quod suam non decet dignitatem, servitus est; homine autem inferior est caro[2], mundus, dæmones, et vitia; quare his subesse et ad opera eorum cogi servitus est. Subesse autem Deo et divinis legibus et superioribus potestatibus a Deo constitutis et ordinatis, non servitus, sed libertas est. Licet enim homines sint qui in potestatibus a Deo constituti sunt, cum eis obeditur potestatem sibi commissam exercentibus, non hominibus, sed Deo in ipsis, obeditur. Debent quoque qui ipsis subjecti sunt, tanquam incedentes in omnibus mandatis et justificationibus Dei sine querela, non coacte sed spontanee, in omnibus canonicis eis, imo Deo in eis, obtemperare, et sic libertatem conservare. Quod si aliqui depravati[3] in his quæ canonica sunt, suis superioribus non obtemperant voluntarii, compulsio ad obtemperandum in hac parte non facit servitutem, sed veram introducit libertatem; quia compulsionis vexatio tandem dat intellectum, ut quod fuit involuntarium, fiat voluntarium, ac per hoc tandem non servile sed omnino liberum.

Forte dicent, tantum[4] est capitulum ex tantis, tam reverendis, tamque magnificis personis congregatum quod ipsum visitari est incongruum; visitari enim non congruit nisi infirmitate gravatum. Sed hoc dicere, esset plus quam sobrie[5] sapere; cum de se non congruat *altum sapere sed magis timere*, et secundum

Objection, that the chapter consists of persons too great to be visited.

Its answer.

Rom. i. 20.

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[1] *simpliciter*] similiter, Trin., Ox.
[2] *caro*] ea, Trin.
[3] *depravati*] deputati, C.C.C.; dampnati, Trin.
[4] *tantum*] tandem, Trin.
[5] *sobrie*] scribere, C.C.C.

Ecclus. iii. 20. sapientis consilium, *quanto quis major est, tanto seipsum in omnibus humiliare;* humilitasque sola facit excelsos et magnos, cum[1] perfecta[2] est et minoribus se subicit; jugum autem[3] majorum dum habet in se caritatis suavitatem, nunquam a sua cervice excutit, memor illius, *Omnis anima potestatibus sublimioribus subdita sit,* et illius, *qui potestati resistit, Dei ordinationi resistit.* Rom. xiii. 1, 2.

from the examples of Christ,

Conditor Cæsaris Cæsari cunctatus non est censum reddere, qui universam condidit creaturam homini fabro et pauperculæ puellæ voluit subdi. *Erat* enim, ait, *subditus illis;* nulli dubium quin Jesus Joseph et Mariæ. S. Luc. ii. 51.

and the centurion.

Centurio ille cujus fidei nulla par inventa est in Israel, prius agnovit se subjectum quam præpositum, prius parvum quam magnum. Ait enim, *Nam et ego homo sum sub potestate constitutus, habens sub me milites.* S. Matt. viii. 9. Agnovit se hominem et sub potestate, antequam fateretur se super alios potentem. Præmisit humilitatem, ne altitudo præcipitaret; præmisit se subjectum, et ideo dignus ut haberet subjectos. Nescit enim præesse, qui non novit subesse; veræ humilitatis signum est tam libenter vel libentius obtemperare præpositis, quam imperare subjectis. Qui autem a subjectis suis sibi vult obtemperari, si non tam libenter suis obtemperat præpositis, quomodo custodit illud magnum mandatum evangelicum quod est *lex et prophetæ, Omnia quæcunque vultis ut faciant vobis homines, ita et vos facite eis?* S. Matt. vii. 12.

Si igitur capitulum veraciter et non inaniter, solide et non timide, magnum est, sicut speramus, quod est ad imitationem illius centurionis et nostri Salvatoris,

[1] *cum*] quia, C.C.C.$_2$.

[2] *perfecta*] om. Trin., leaving a blank line here: so Ox., but filled up by Gascoigne.

[3] *autem*] tamen, Trin.

evangelicum et apostolicum complens mandatum, secundum modum et mensuram suæ magnitudinis modificabit et mensurabit erga suum pontificem, opera obeditionis, id præbens ei humilitatis in susceptione visitationis, correctionis, et reformationis ab ipso, quod[1] humilitatis cum officii sui debitum vult exercere, vult sibi præberi a clero et populo sibi subjecto.

Nec credendum est quod capitulum credat se sanum, utpote cujus non sit opus medico, cum sciat quod *si dixerimus quod peccatum non habemus, ipsi nos seducimus, et veritas in nobis non est.* Et si hæ quæ nunc sunt in eo personæ, sint honestæ et bonæ, notum est tamen quod fuerunt aliquando in eo alteræ multa indigentes[2] correctione; nec certum est quin sint adhuc[3] aliquæ tales in eo[4] futuræ. Non solum enim populus *ignorans viam Domini et judicium Dei* indurato et obstinato corde delinquit, nolens accipere disciplinam, sed et plerumque plus et gravius optimates; unde et Jeremias, postquam populi peccatum reputavit posse imputari stultitiæ et ignorantiæ, et in sapientibus non esse disciplinæ contemptum, cordis duritiam et obstinationem, ait, *Ibo ergo ad optimates, et loquar eis; ipsi enim cognoverunt viam Domini, judicium Dei sui; et ecce magis hi simul confregerunt jugum, ruperunt vincula.* Nonne in Ezechiele legitur quod *septuaginta viri de senioribus Israel, et Jehonias filius Saphan stabant in medio stantium ante picturas, et unusquisque habebat thuribulum in manu suæ?* Imo si totam perscrutemur Scripturam, non inveniemus quosquam deliquisse gravius quam sacerdotes, et maxime sacerdotum principes. Quomodo igitur non egent visitatione, correctione, et reformatione? Imo tanto plus egent his, quanto eorum

1 S. Joh. i. 10.

The chapter cannot think themselves free from all need of a physician.

Jer. v. 4, 5.

Ezech. viii. 11.

Scripture shows how much priests have sinned.

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[1] *quod*] quidem, C.C.C.

[2] *indigentes*] indignitates, C.C.C.

[3] *adhuc*] om. C.C.C.

[4] *in eo*] om. C.C.C.[2].

delicta plusquam delicta minorum offendunt Deum, dehonestant ecclesiam, et perniciosius exemplum præstant minoribus.

Even granted that they always go right, yet they may go wrong, and therefore require visitation to keep them right.

Ponatur etiam quod omnes personæ de capitulo semper forent honestissimæ, adhuc egerent visitatione; possibile est namque eas delinquere. Sapiens autem medicus non solum visitat ægrotantes, sed et sanos suæ curæ commissos, ut per medicinam præservativam ab ægritudine et sanitatis conservativam, sanitatem reddat stabiliorem. Sic et prælatus animarum medicus non solum visitat spiritaliter ægrotantes, sed spiritali sanitate vigentes, ut spiritali medicina[1] præservet ab ægritudine futura et inventam sanitatem reddat firmiorem. Et ut eam producat in lucem, cum ea in luce producta eam aspicientibus sit efficax medicina, quantoque majores sunt qui per visitationem[2] inventi sunt sani, tanto eorum sanitas inventa[3] et per visitatorem propalata, aliis efficitur tam ægritudinis purgativa quam sanitatis conservativa[4] efficacior medicina. Magnitudo igitur quorumcunque non est ratio ut visitari non debeant; sed argumentum validissimum quod præ aliis visitari debeant. Si libertatem allegant ut non visitentur, quæro utrum oves sint liberiores quæ a pastore visitantur, reguntur, et proteguntur, an quæ, ut libet, evagantur? Angeli qui confirmati peccare non possunt, nunquid non sunt hominibus liberiores qui peccare possunt? Et si angeli hoc ipso sunt hominibus liberiores, ergo inter homines illi sunt liberiores[5] qui a peccatis plures et majores habent conservatores et coertiones.

When the bishop comes to his church,

Quotiescunque venit episcopus ad ecclesiam suam de aliquo loco extra civitatem suam, debet pulsari in ipsa ecclesia in ipsius adventu ad eam sive transitu

[1] *medicina*] om. Trin.
[2] *visitationem*] visionem, C.C.C.
[3] *inventa*] om. C.C.C$_2$.
[4] *conservativa*] purgativa, Trin.
[5] *ergo . . . liberiores*] om. C.C.C., C.C.C$_2$., Trin.

per eam. Pulsatio namque fit in adventu episcopi, non solum reverentiæ et honoris gratia, sed ut populus, signo pulsationis præmunitus, accurrat ad patris benedictionem, quæ firmat domos filiorum, ut parvulos suos portent ad confirmationem, ut pauperes confluant[1] ad eleemosinæ receptionem, ut injuriam passi ad querimoniarum depositionem, ut afflicti et oppressi ad suscipiendam[2] consolationem, ut pœnitentes, et præcipue qui non possunt absolvi nisi ab episcopo, ad confessionem et ad absolutionis impetrationem. Debetur namque patri spiritali secundum Scripturam honoratio, ut filii honorantes jocundentur in filiis, et in die orationis suæ exaudiantur, vitaque vivant longiore superque veniat eis benedictio a Domino, quæ maneat in novissimo. Hujusmodi igitur patris honoratio non solum est quædam transitoria veneratio, sed proficit honorantibus in salutem perpetuam. Cui etiam dubium quin ipsa episcopalis et paterna benedictio, parvulorum confirmatio, eleemosinæ susceptio et largitio, oppressorum et afflictorum consolatio, confessio, et absolutio in vitiorum ablationem et virtutum insertionem et augmentationem plurimum conferant, ac per hoc in salutem perpetuam? Minimum autem perpetuæ salutis et virtutis ad eam ducentis, melius est et magis eligendum incomparabiliter omni eo quod virtus vel salus æterna non est; igitur cum pulsatio in adventu et transitu episcopi proficiat prædictis modis in virtutem et æternam salutem, non pulsare autem nulli omnino afferat utilitatem, cui dubium quin piæ voluntates et virtutum, æternæque salutis amatrices tantas virtutum et æternæ salutis occasiones non contumaciter et superbe impedient, sed libenter et obedienter expedient?

the bells ought to be rung to give notice of his arrival to the people.

[1] *confluant*] conferant, Trin.

[2] *suscipiendam*] sustinendum, Trin.; suscitandam, C.C.C.$_2$.

But, if he returns frequently, at short intervals, what is the need of ringing? At forte dicent, Si hodie pulsatum est contra episcopum et recedens hodie redeat quarta vel tertia vel secunda die sequente, quid opus est iterato in tam festinato redditu ipsius pulsare? Magnum quidem quod et cotidie honorandus est pater a filiis, egetque populus[1] paterna benedictione et pauperes eleemosinarum receptione, nec est dies in qua in tanta civitate non nascatur et baptizetur aliquis parvulus; rara quoque dies aut nulla in qua non aliquis sit injuriam passus, afflictus, aut oppressus, aut delictum committens propter quod indiget ut absolvat eum episcopus. Answer to this. Quapropter et si hodie omnes confirmandos confirmaverit, omnium passorum injuriam querelas audierit, omnes afflictos et oppressos consolatus fuerit, omniumque, qui sua specialiter absolutione indigent, confessiones audierit, et eosdem absolverit[2]; tamen et si cras redierit, erit aliquid de his quod episcopalis officii ministerio indigebit; et si clam pertranseat episcopus, forte perpetuo sine remedio remanebit. Quæ igitur est sapientia, vel potius insipiens superbia, tanti boni occasionem seu causam ob nullam causam subtrahere[3]?

Fathers must be obeyed, Deut. xxi. 18. Heb. xii. 9. Patribus est obediendum, unde in Deuteronomio *filius contumax et protervus, qui non audit*[4] *patris aut matris imperium et coercitus obedire contemnit, seniorum judicio lapidetur.* Paulus autem ait, *Patres quidem carnis nostræ habuimus eruditores, et reverebamur eos. Nonne multo magis obtemperabimus Patri spirituum et vivemus?* Constat autem quod, Eph. iii. 15. licet solus Deus per se sit Pater spirituum, *ex quo omnis paternitas in cælo et in terra nominatur*, sunt 1 S. Pet. ii. 25. tamen *pastores et episcopi animarum in Ipso et ex* Rom. xi. 36. *Ipso et per Ipsum* patres spirituum *generantes in*

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[1] *populus*] om. Trin.

[2] *et eosdem absolverit*] om. Trin.

[3] *subtrahere*] subtrahetur, C.C.C., Trin.

[4] *audit*] om. Trin.

Christo per Evangelium, unde multo magis ipsis quam patribus carnis est obtemperandum et obediendum[1], quanto videlicet generatio spiritalis major est et melior generatione carnali; tanto quoque filii, contumaces et protervi patribus spiritalibus obedire contemnentes, graviori pœna sunt digni quam filii carnis, obtemperare contemnentes imperio patris aut matris. 1 Cor. iv. 15. and so much more God, and those appointed by him.

Præpositisque et sublimioribus potestatibus obediendum est. Unde Paulus ad Hebræos ait, *Obedite præpositis vestris et subjacete eis; ipsi enim pervigilant vos quasi rationem pro animabus vestris reddituri, ut cum gaudio hoc faciant, et non gementes; hoc enim non expedit vobis;* et ad Romanos ait, *Omnis anima omnibus sublimioribus potestatibus subdita sit; non enim potestas nisi a Deo; quæ autem sunt, a Deo ordinatæ sunt. Itaque qui resistit potestati, Dei ordinationi resistit. Qui autem resistunt, ipsi sibi damnationem adquirunt.* Heb. xiii. 17. Rom. xiii. 1, 2.

Cum igitur episcopus pater sit et præpositus et sublimior potestas respectu decani et canonicorum[2], ipsi decanus et canonici debent episcopo obedire, eique subjacere et subdi, quasi eos *pervigilanti, et pro animabus ipsorum rationem reddituro*, ne ordinationi Dei resistant, et sic sibi damnationem adquirant. Et cum episcopus sit magis pater et magis præpositus et magis sublimior potestas respectu decani et canonicorum, quam sit ipse decanus respectu canonicorum, magis tenentur decanus et canonici obedire, subjacere, et subdi episcopo, quam canonici decano. Propter hoc cum canonici præstarent juramentum seu promissum obedientiæ decano in signum[3] et firmamentum obeditionis debitæ decano, tanto magis debent tam decanus quam canonici præstare hujusmodi sacramentum seu The dean and chapter then must obey the bishop as their father, as he is much more with respect to them, than the dean is with respect to the canons.

[1] *et obediendum*] om. C.C.C.
[2] *canonicorum*] decanorum, Trin.
[3] *in signum*] om. C.C.C.

promissum episcopo, quanto magis tenentur ei obedientiæ debito. Si enim illud quod minus est eget signo et firmamento ne aberretur ab eo, multo fortius id, quod magis est, et a quo periculosius aberratur, eget signo et firmamento ne aberretur ab eo. Cumque etiam magis patri et præposito et sublimiori potestati major debeatur obedientia, non est minus patri minusque præposito et minus sublimi potestati[1] obedientia juranda seu promittenda, nisi salva obedientia superiori debita. Præterea, ut prædictum est, magis tenentur decanus et canonici obedire episcopo quam teneantur canonici obedire decano; ergo periculosius erratur a canonicis, si credant se non debere obedientiam episcopo vel ignorent se debere, quam si crederent se non debere obedientiam[2] decano vel ignorarent se debere. Ergo ut tollatur hujusmodi error et ignorantia, magis præstandum est sacramentum seu promissum obedientiæ servandæ episcopo a decano et canonicis, quam præstandum sit a canonicis decano. Fuit autem hujusmodi error seu ignorantia[3] in canonicis aliquibus, qui error vel quæ ignorantia non aliunde habuerunt ortum nisi ex eo, quod præstatur a canonicis sacramentum seu promissum obedientiæ decano et non episcopo. Si igitur per hoc quod non præstiterunt sacramentum seu promissum obedientiæ episcopo, inciderunt in hujusmodi errorem[4] vel ignorantiam quidam de canonicis, ex quibus errore vel ignorantia pervenitur vel proximum est ut perveniatur ad *repugnandum, quod est* (1 Sam. xv. 23.) *quasi peccatum ariolandi* aut[5] *nolle quiescere, quod est quasi scelus idololatriæ,* quomodo non est sacramentum[6] obedientiæ præstandum episcopo, ut per

[1] *major . . potestati*] om. C.C.C.
[2] Trin. repeats *episcopo . . . obedientiam*. C.C.C$_2$. repeats *quam . . . decano*; Ox., *quam . . . debere*, but Gascoigne has corrected it.
[3] C.C.C., Trin. inserts *fuerit*.
[4] *errorem*] om. C.C.C.
[5] *aut*] ad, C.C.C.; et ad, Trin., Ox.
[6] *est sacramentum*] om. Trin.

hujusmodi sacramenti præstationem vitetur tantum peccatum et tantum scelus, quod etiam secundum legem Mosaicam morte punitur? Ait enim Moyses in Deuteronomio, *Qui autem superbierit, nolens obedire sacerdotis imperio, qui eo tempore ministrat Domino*[1] *Deo tuo, ex*[2] *decreto judicis morietur homo ille, et auferes malum de medio Israel.* In Exodo quoque ait, *Qui immolat diis præter Domino soli, occidatur.* Arioli autem et idololatræ aliis immolant diis quam Domino soli. Cum igitur inobedientes peccato ariolandi et scelere idololatriæ maculentur, mortis pœna dignissimi videntur. Ad hæc in Josue scriptum est, *Stetit itaque sol in medio cœli, et non festinavit occumbere spatio unius diei. Non fuit ante et postea tam longa dies, obediente Domino voci hominis.* Si igitur, sicut in his verbis expressum est, Dominus dignatus est voci hominis obedire, et obeditionis suæ signum dare, stationem solis supra cursum naturæ, quanta est hominum superbia, qui superiori[3] potestati a Domino ordinatæ aut obedire renuunt, aut obeditionis suæ signum dare consuetum nolunt, cum in obediendo superiori potestati, non tam ipsi potestati superiori quam Ipsi Domino omnium supremo in ipsa superiori potestati obeditur![4]

Deut. xvii. 12.

Exod. xxii. 20.

Jos. x. 13, 14.

If God listened to Joshua's word, what must be the pride of those who refuse to obey God himself, who has appointed the superior powers!

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[1] Trin. inserts *det.*

[2] *ex*] et, C.C.C., Ox.; in, Trin.

[3] *superiori*] superbire, C.C.C.

[4] C.C.C. has here "Expliciunt Epistolæ domini Lincolniensis secundum, etc."; C.C.C$_2$., "Scripta sunt hæc in crastino Sanctæ Luciæ, Anno Domini 1446. Deo gratias."

CXXVIII.

1253. *Robertus Lincolniensis Episcopus magistro Innocentio domino Papæ salutem et benedictionem.*[1]

He refuses to grant the Pope's

Noverit discretio vestra, quod mandatis Apostolicis affectione filiali omnino devote et reverenter obedio;

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[1] This letter is usually preceded by the following :—

Robertus, Dei permissione Lincolniæ episcopus, Cantuariensi Archidiacono et magistro Innocentio Domini Papæ Scriptori, salutem et benedictionem.

Intelleximus vos literam Domini Papæ recepisse, in hæc verba :—

Dilectis filiis Archidiacono Cantuariensi et magistro Innocentio Scriptori nostro in Anglia commoranti, salutem et Apostolicam benedictionem.

Letter of Pope Innocent IV., to which the above is an answer.

Cum dilectus filius noster Gulielmus Sancti Eustachii diaconus cardinalis dilecto filio Frederico de Lavania, clerico, nepoti nostro, de speciali mandato nostro canonicatum Lincolniæ cum plenitudine juris canonice duxerit conferendum, ipsum per suum annulum corporaliter et præsentialiter investiens de eodem, ut extunc canonicus Lincolniæ existat, et plenum nomen et jus canonici consequatur ibidem, ac præbendam, siqua vacaverit in ecclesia Lincolniæ a tempore quo dudum literæ nostræ super receptione ac provisione facienda sibi in eadem ecclesia de præmissis venerabili fratri nostro episcopo Lincolniensi præsentatæ fuerint, alioquin post vacaturam conferendam sibi donationi Apostolicæ reservaverit : decernendo irritum et inane, siquid de præbenda hujusmodi a quoquam fuerit attentatum ; necnon et in contradictores et rebelles excommunicationis sententiam nihilominus promulgando, prout in literis ejusdem cardinalis exinde confectis plenius continetur: Nos ipsius Frederici devotis precibus inclinati, quod ab eodem cardinale super hoc factum est, ratum et gratum habentes, illud auctoritate Apostolica duximus confirmandum. Quocirca discretioni vestræ per Apostolica scripta mandamus, quatinus eundem Fredericum vel procuratorem suum ejus nomine in corporalem possessionem prædictorum canonicatus et præbendæ, auctoritate nostra inducatis, et defendatis inductum, contradictores per censuram ecclesiasticam, appellatione postposita, compescendo : non obstantibus aliquibus consuetudinibus vel statutis, juramentis vel confirmationibus sedis Apostolicæ seu quacunque alia firmitate roboratis ; vel quod dictus Fredericus præsens non fuerit ad præstandum juramentum de observandis consuetudinibus ejusdem ecclesiæ consuetum ; sive si episcopo præfato vel capi-

his quoque quæ mandatis Apostolicis adversantur, parentalem[1] zelans honorem, adversor et obsto; ad utrumque enim similiter[2] et æqualiter[3] teneor ex divino mandato. Apostolica enim[4] mandata non sunt nec possunt esse alia quam Apostolorum[5] doctrinæ et Ipsius Domini Jesu Christi, Apostolorum Magistri et Domini,[6]

request to invest his nephew, Frederick de Lavania, with a canonry at Lincoln.

[1] *parentalem*] parentelam, Cant.; paternum, Matt. Par.

[2] *similiter*] filialiter, Ox.

[3] *similiter et æqualiter*] om. Matt. Par.

[4] *enim*] om. Cant.

[5] *Apostolorum*] Apostolice, Ox.

[6] *Apostolorum . . . Domini*] om. Burt.

tulo ipsius ecclesiæ communiter vel singulatim, seu aliis quibuscunque personis a dicta sede indultum existat, quod ad receptionem vel provisionem alicujus compelli nequeant, sive cum quivis alius in eorum ecclesia nemini providere valeat; vel quod interdici, suspendi, aut excommunicari non possit per literas Apostolicas sub quacunque forma verborum obtentas vel etiam obtinendas, etiamsi totus tenor indulgentiarum hujusmodi de verbo ad verbum in iisdem literis sit insertus, sive quibuslibet aliis indulgentiis quibuscunque personis, dignitati vel loco sub quacunque forma verborum concessis a sede Apostolica vel etiam concedendis, per quas effectus hujusmodi provisionis posset impediri aliquatenus vel differri; tamen volumus eas de certa scientia, quantum ad provisionem factam et faciendam Frederico prædicto in ecclesia Lincolniensi, viribus omnino carere. Cæterum si aliqui prædicto Frederico vel procuratori suo super præmissis, vel aliquo præmissorum, aliquatenus duxerint opponendum: illos ex parte nostra citari curetis peremptorie ut infra duorum mensium spatium post citationem vestram personaliter compareant coram nobis, eidem Frederico super præmissis legitime responsuri: non obstantibus privilegiis, sive quibuslibet indulgentiis personis regni Angliæ generaliter vel cuivis alii personæ, dignitati, vel loco specialiter a prædicta sede sub quacunque forma verborum concessis, quod non possint ultra mare, seu extra civitatem vel diœcesin suam in judicium evocari per literas Apostolicas sub quacunque forma verborum obtentas; quod privilegium et indulgentias eisdem personis de certa scientia nullatenus volumus suffragari, et constitutione edita de duabus dictis in concilio generali non obstante. Diem autem citationis et formam nobis, vestris literis tenorem præsentium continentibus, fideliter intimetis. Quod si non ambo his exequendis interesse poteritis, alter vestrum nihilominus exequatur.

Datum Perus. 7 Kal. Febr. Pontificat. nostri anno 10.

cujus typum et personam maxime gerit in ecclesiastica[1] hierarchia dominus Papa, consona et conformia[2]. Ait
S. Matt. xii. 30. enim Ipse[3] Dominus noster Jesus Christus, *Qui non est mecum, contra me est;* contra Ipsum autem[4] nec est nec esse potest Apostolicæ sedis sanctitas divinissima. Non est igitur prædictæ literæ tenor Apostolicæ sanctitati consonus, sed absonus plurimum et discors; primo, quia de illius literæ et aliarum[5] ei consimilium longe lateque dispersarum superaccumulato *Non obstante*, non ex legis naturalis observandæ necessitate inducto, scatet cataclysmus inconstantiæ, audaciæ, et procacitatis etiam inverecundæ[6] mentiendi et fallendi, diffidentiæ cuiquam[7] credendi vel fidem adhibendi, et[8] ex his consequentium vitiorum, quorum non est numerus, Christianæ religionis puritatem et socialis conversationis hominum tranquillitatem commovens et perturbans[9]. Præterea, post peccatum Luciferi, quod idem erit in fine tem-
2 Thess. ii. 8. porum ipsius filii perditionis Antichristi, *quem interficiet Dominus Jesus spiritu oris sui*, non est, nec esse potest alterum genus peccati tam adversum et contrarium Apostolorum[10] doctrinæ et Evangelicæ, et Ipsi Domino Jesu Christo tam odibile, detestabile, et[11] abominabile, et humano generi tam pernecabile[12], quam animas curæ pastoralis officio et ministerio vivificandas et salvandas, pastoralis[13] officii et ministerii defraudatione mortificare et perdere. Quod peccatum evidentissimis Scripturæ sacræ[14] testimoniis committere dinos-

[1] *ecclesiastica*] ecclesiæ, Matt. Par.
[2] *conformia*] conformi, Matt. Par.
[3] *ipse*] om. Cant., Ox.
[4] *autem*] om. Ox.
[5] *aliarum*] om. Cant., Ox., Matt. Par.
[6] *etiam inverecundæ*] inverecundiæ, Matt. Par.
[7] *diffidentiæ cuiquam*] diffidenter alicui, Matt. Par.
[8] *et*] om. Burt.
[9] Ox. inserts *secunda ratio*.
[10] *Apostolorum*] Apostolice, Ox.
[11] Matt. Par. inserts *tam*.
[12] *pernecabile*] provectabile, Cant. : *et . . pernecabile*, om. Matt. Par.
[13] *officio . . pastoralis*] om. Matt. Par.
[14] *sacræ*] om. Cant.

cuntur, qui in potestate curæ pastoralis constituti, de lacte et lana ovium Christi suis carnalibus et temporalibus desideriis et necessitatibus prospiciunt, et pastoralis officii ministeria in æternam Christi ovium salutem operandam [1] debita non administrant; ipsa enim ministeriorum pastoralium non administratio est, Scripturæ testimonio, ovium occisio et perditio [2]. Quod autem hæc duo genera peccatorum, licet dispariter, sint pessima et omne alterum genus peccati inæstimabiliter superexcedentia, manifestum est ex hoc, quod ipsa sunt duobus existentibus et dictis, licet dispariter et dissimiliter, optimis directe contraria; pessimum enim est, quod optimo est contrarium; quantum autem est in dictis peccantibus, unum peccaminum [3] est ipsius Deitatis superessentialiter et supernaturaliter optimæ vilipensio [4]; alterum vero Deiformitatis [5] et Deificationis ex divini radii gratifica participatione essentialiter et naturaliter optimæ, interemptio. Et quia sicut in bonis causa boni melior est suo causato, sic et in malis causa mali pejor est suo causato; manifestissimum est, quoniam talium pessimorum interemptorum Deiformitatis [5] et Deificationis in ovibus Christi in ecclesiam Dei [6] introductores, ipsis pessimis interemptoribus sunt pejores, et Lucifero et Antichristo proximiores; et in hac pejoritate gradatim magis [7] superexcellentes qui ex majore [8] et diviniore sibi divinitus potestate, in ædificationem et non in destructionem tradita, magis tenentur ab ecclesia Dei tales interemptores pessimos excludere et extirpare. Non potest igitur sanctissima sedes [9] Apostolica, cui a sancto sanctorum Domino Jesu

[1] *suis . . . operandam*] for this, Matt. Par. has *vivificandarum et salvandarum pastoralis officii et ministerii salarium comparant.*

[2] *ipsa . . . perditio*] om. Cant.

[3] *peccaminum*] peccatum, Burt.

[4] *vilipensio*] om. Cant., Burt., Matt. Par.

[5] *Deiformitatis*] deformitatis, Matt. Par.

[6] *Dei*] Christi, Ox.

[7] *magis*] om. Cant.: Matt. Par. inserts *quanto.*

[8] *majore*] amore, Cant.

[9] *sedes*] fides, Cant.

Christo tradita est omnimoda potestas, testante Apo-
2 Cor. x. 8. stolo, *in ædificationem et non in destructionem*, aliquid vergens in hujusmodi peccatum Domino Jesu Christo tam odibile, detestabile, abominabile[1], et humano generi summe pernecabile[2] vel mandare vel præcipere, vel quoquo modo ad[3] aliquid tale conari. Hoc enim esset evidenter suæ sanctissimæ potestatis et plenissimæ vel defectio vel corruptio vel abusio, et a throno gloriæ Jesu Christi summa[4] elongatio, et in cathedra pestilientiæ pœnarum gehennalium duobus prædictis tenebrarum principibus proxima coassessio. Nec potest quis immaculata et sincera obedientia eidem sedi subditus et fidelis, et a corpore Christi et eadem sancta sede per schisma non abscisus, hujusmodi mandatis vel præceptis vel quibuscunque aliis[5] conaminibus undecunque emanantibus, etiamsi a[6] supremo Angelorum ordine eveniret[7], obtemperare; sed necesse habet totis viribus totum[8] contradicere et rebellare. Propter hoc, reverendi domini, ego ex debito obedientiæ et fidelitatis, quo teneor, ut utrique parenti, Apostolicæ sanctissimæ sedi, et ex amore unionis in corpore Christi cum ea, his, quæ in prædicta litera continentur, et maxime quia in[9] prætactum[10] peccatum, Domino Jesu Christo abominabilissimum et humano generi perniciosissimum[11], evidentissime vergunt, et Apostolicæ sedis sanctitati omnino adversantur et contrariantur catholicæ unitati[12], filialiter et obedienter non

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[1] *abominabile*] om. Burt.
[2] *pernecabile*] perniciabile, Matt. Par.
[3] *ad*] om. Burt.
[4] *summa*] om. Burt.; omnimoda, Matt. Par.
[5] *aliis*] om. Ox., Burt., Matt. Par.
[6] *etiamsi a*] etiam simul cum, Cant.
[7] *eveniret*] om. Cant., Burt., Matt. Par.
[8] *totum*] om. Cant., Ox., Matt. Par.
[9] *in*] inter, Burt.; ut, Matt. Par.
[10] Mat. Par. inserts *ad*.
[11] *perniciosissimum*] pernecatissimum, Cant.
[12] *unitati*] unitæ, Burt.; unice, Cant.; fidei, unice, Matt. Par.

obedio, contradico, et rebello. Nec ob hoc potest inde vestra discretio quicquam durum contra me statuere, quia omnis mea in hac parte et dictio[1] et actio[2], nec contradictio est nec rebellio, sed filialis divino mandato debita patri et matri[3] honoratio. Breviter autem recolligens dico, quod[4] Apostolicæ sedis sanctitas non potest nisi quæ in ædificationem sunt, et non in destructionem; hæc enim est potestatis plenitudo, omnia posse in ædificationem. Hæ autem quas vocant provisiones, non sunt in ædificationem sed in manifestissimam destructionem; non igitur eas potest beata sedes Apostolica[5]; etenim[6] *caro et sanguis* quæ regnum Dei non possidebunt, *eas revelavit*, et non *Pater* Domini nostri Jesu Christi *qui in cœlis est.*[7] S. Matt. xvi. 17.

CXXIX.[8]

Robertus, Dei gratia Lincolniensis episcopus, dilecto in Christo filio magistro Roberto de Marisco, canonico Lincolniensi, officiario suo salutem, gratiam, et benedictionem. 1248.

Scripserunt nobis dilecti in Christo filii, Cancellarius [a] et Universitas Oxoniensis, quod die Apostolorum Philippi et Jacobi [b] quidam de burgensibus Oxoniensibus cuidam scholari nobili et bonæ conversationis transeunti sero per ecclesiam Sancti Martini Oxoniæ

[a] Gilbert de Biham?
[b] May 1.
A scholar of noble

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[1] *dictio*] contradictio, Matt. Par.
[2] *actio*] factio, Cant.
[3] *matri*] vestri, Matt. Par.
[4] *dico, quod*] om. Cant.: *quod* om. Matt. Par.
[5] Matt. Par. inserts *acceptare.*
[6] *etenim*] quia, Matt. Par.
[7] Cant. gives after this, without any break, Grosseteste's definition of heresy, on his death-bed, as in Matt. Par., p. 874.
[8] From Registrum Johannis Dalderbey, episcopi Lincolniensis, fol. 275. Printed, with some inaccuracies, by Wood, *Hist. et Antiq. Univ. Oxon.* i. p. 94.

birth and good conversation has been murdered at Oxford.

obviantes sine causa vel commisso, sicut dicitur, plagas horribiles et mortales eidem intulerunt; qui cum niteretur evadere, carnifices et quidam alii cum frustis carnium et intestinis ac suis spurcitiis eundem fœdaverunt, et alii contumeliis ipsum affectum lapidibus obruerunt, ita quod in ostium ecclesiæ Omnium Sanctorum semivivus cecidit, et in domum suam pendulis brachiis bajulatus die tertia summo mane miserabiliter expiravit. Ballivi quoque villæ prædictæ remedium in hac parte non adhibentes, dictos occisores per vicos incedere publice, sicut dicitur, more solito colloquentes eisdem, permiserunt, quousque dictus clericus expirasset; et tunc eosdem nocentes ad ecclesiam beati Martini, ubi salvo tuteque resident, cum armis conduxerunt. Propter quæ Universitas prædicta taliter est commota, quod ab omnibus lectoribus tam ordinariis quam extraordinariis cessantes, juraverunt quod, ni competens in hac parte vindicta sumatur, cum sæpius consimile contigerit, nec hucusque vindicatum fuerit, omnino a studio Oxonienses recedent; nec permittunt corpus dicti clerici sepulturæ tradi, sed ad hujus facti memoriam corpus inhumatum reservant, quousque a domino rege et a nobis responsum optatum receperint.

All the perpetrators are to be excommunicated,

Et quod nisi de veritate hujus facti nobis prius legitime constaret, in personam alicujus aut comitatem certam non possemus condemnationis alicujus ferre sententiam, vobis mandamus, quatinus sine quolibet moræ dispendio ad villam Oxoniæ personaliter accedentes, summam excommunicationis in genere in omnibus et singulis ecclesiis ejusdem villæ, candelis accensis et pulsatis campanis, solemniter et publice promulgari faciatis in omnes illos, qui pacem Ecclesiæ et Universitatis prædictæ perturbantes, in dictum clericum manus violentas injecerunt, et ictus et plagas mortales eidem intulerunt, ac opem, consilium, favorem, aut consensum tam enormis facti perpetrationi impenderunt; postmodum vero assumptis vobiscum viris discretis ac

Deum timentibus, vocatis vocandis per viros fide dignos, idoneos, et juratos, diligentem et exactissimam faciatis super præmissis inquisitionem, qua quidem solemniter publicata et compositione inter Universitatem et burgenses per bonæ memoriæ dominum Nicolaum Tusculanensem episcopum, apostolicæ sedis legatum, dudum facta, quæ residet apud Osneium, diligenter inspecta, quos secundum dictam inquisitionem dicti facinoris reos inveneritis, una cum fautoribus et auctoribus eorum, vice et auctoritate nostra,* habito virorum sapientium consilio, animadversione canonica taliter puniatis, quod tam processus vester in hac parte, quam vestra demum super eadem sententia diffinitiva canonicis undique fulciatur institutis, vosque propter hoc tam a Deo quam ab hominibus merito possitis ut debeatis propensius in Domino commendari. and punished according to the composition between the university and town.

Datum apud parcum Stowe viii. Id. Maii, pontificii nostri an. xiii.

CXXX.[1]

Robertus miseratione divina Lincolniensis episcopus etc. 1250.

Cum nos, licet immeriti, simus ex officii debito verbi Dei annunciatores, et de vobis ac universo populo rationem reddituri coram Judice æterno *terribili apud reges terræ*, vehementer contremiscimus in oculis ejusdem severi Judicis, omnium Inspectoris, per prophetam terribiliter intonantis *speculatori* cuilibet, super vineam ipsius Domini Sabaoth constituto, *non annun-* A letter to the clergy of his diocese on the wickedness of the people arising from the neglect an bad example of the clergy.

[1] From MS. Oxon. Bodl. 750.

Ps. lxxv. 13. *cianti* malum quod viderit, *de manu ejus sanguinem*
Ezech. iii. 17. populi *requirendum.* Nos itaque tacti dolore cordis
intrinsecus, et usque ad ipsas spiritus medullas cruciati, tam multiplicia mala, tam gravia, tam deformia, tam fœda, tam flagitiosa, tam facinorosa, tam scelerata, tam sacrilega, populo Christi cruore redempto universaliter inesse et inhærere ex neglectu rectorum, ex incuria pastorum, et, quod heu flendum est potius quam scribendum, ex exemplo pessimo et pernicie rabida passim et impudenter ubique serpente, cernimus evidenter, quod penitus ex desperatione dissolvimur, et qua parte ordiendum est ad horum remedium, penitus ignoramus. Esset nobis utique ad surgendum viri-
Isai. lviii. 6. liter ad irrumpendum cum virtute et *dissolvendum,*
He had intended to resign, but has been prevented by superior authority. quatinus id facere possemus, *colligationes iniquitatum;* sed intervenit auctoritas, cui non parere nefas censetur, quæ nos ad tempus subtrahit vestræ præsentiæ, et a concepto salubri proposito nos retardat. Interim autem licet *absentes corpore, præsentes tamen*
1 Cor. v. 3. *spiritu,* scripto agimus quod verbo non licet. Monemus vos, ut scriptum hoc nostrum, tanquam verbum Ipsius Domini, timorate et humiliter suscipere curetis.
S. Luke xii. 40. Ecce, carissimi, ecce, die qua non creditis, et *hora qua non speratis,* venit Deus noster, et videt æternus Dominus qui fundavit terminos orbis terræ. Ecce, inquam, venit citans nos omnes et singulos *in voce*
1 Thes. iv. 15. *Archangeli et tuba* novissima ad generale concilium, ad judicium universæ carnis, visitationem facturus in gladio suo, duro, quem nemo sustinere, grandi, quem nullus effugere, ac forti, cui quisquam resistere, minime
Isai. xxx. 27. prævalebit. *Labia* venientis Domini et summi Pastoris et Episcopi nostri *indignatione sunt plena, et lingua* oris *ejus quasi ignis devorans.* Cujus si vix stillam parvam sermonis audierimus, quis poterit tonitruum ejus magnitudinis intueri? Quis stabit ad videndum Eum cum revelabuntur tenebrarum opera, cum discutietur negligentiæ torpor, cum arguentur illusores qui

spoponderunt in Ipsius præsentia opus Ejus facere circa animarum curam, quas sub tanta examinatione dilectionis, tam formidolosa conditione, commisit vobis pascendas? In persona principis Apostolorum spoponderunt omnes rem summi discriminis, stupendi pavoris, se responsuros in præsentia Judicis prædicti. Spoponderunt curare, et *mentita est iniquitas sibi.* Quid Ps. xxvi. 12.
dicturi sunt miseri, qui propria commoda sectantes, delectati [sunt] pompaticis honoribus, et illecti fœdis voluptatibus, cum misera et detestabilis impiorum nuditas apparebit? Personarum et rerum, quarum nunc eis est jocunda, præsentia tunc nunquam apparebit, solatium omne effugiet, excusatio quælibet exsufflabitur, et nullum penitus remedium apparebit. Clamant qualiter præcones ejus, clamamus et nos præsente scripto, licet rudi et incomposito, et a multis vestrum forsitan contemnendo; sed Deus utique non irridetur. Clamamus ut vel nunc expergiscamini, ut sitis vigiles ad opus assumptum, ut *tempus redimatis* amissum, ut Eph. v. 16.
placatum invenietis ex parte aliqua Judicem jam jamque venturum. Nescimus quamdiu subsistimus, vel an post modicum tollat nos Factor noster. Obsecramus totis affectibus et intimis cordis visceribus, ne vos, qui filii Dei pro officio reputamini, inter filios mundi hora repentinæ calamitatis involvat; ne ultor iniquitatis gladius contagium tantæ corruptionis dira contagione deleat; ne tantæ pestis infectionem devoret acriter flamma vorax fulguris coruscantis. Assurgite, dilectissimi, assurgite et vigilate circa vos et circa gregem ovium vestrarum; pascite eas, sicut tenemini, verbo vitæ, pascite exemplo vitæ et sacramento vitæ. Ad hoc, carissimi, proculdubio tenemini sponsione, ut dictum est, super hoc facto sub tremendo Dei conspectu. Quam multos vidistis in mediis periculis raptos fuisse! "Faciant vos visa pericula cautos." Reddat vos timor Domini solicitos, et discrimen proprium timoratos.

Hoc vobis scribere nos compulit onus impositum officii sub quo gemimus dolentes, quia præsentia corporali non licet implere quæ liberet. Denique recommendetis vos et gregem vestrum pio Redemptori et potenti Salvatori omnium animarum. Testamentum nostrum hoc vobis relinquimus, zelum scilicet animarum, quem zelum, quia tepidus et exilis est in nobis, rogamus ut precibus vestris augeatis. Sitque communis petitio, ut a veritate evangelica, ab amore gregis nostri, nullus unquam nos evellat timor humanus, sed cum omni fiducia concedat nobis Dominus alacriter Ps. cxviii. 32. *currere in viam mandatorum Ejus.*

Vobis autem, filii archidiaconi, et officiariis vestris firmiter præcipiendo mandamus, quatinus singuli vestrum has literas in synodis vestris proxime celebrandis et vestris capitulis publicantes, eas ad omnium et singulorum rectorum et vicariorum, cujuscunque conditionis existant, notitiam, ne excusationem habeant, et nos ex taciturnitate accusationem, faciatis apertius pervenire.

CXXXI.[1]

1252. *Lincolniensis proceribus Angliæ et civibus Londoniæ et communitati totius regni.*

Against the Papal provisions, &c. for Italians in England.

Utinam fideles et grati venerandæ matris Anglorum ecclesiæ filii nobiles et alumni, gravem tantæ suæ matris, quæ ipsos Spiritu regeneravit et aqua, attenderent injuriam, et jacturam ecclesiæ nobilis ipsæ, quæ, præ cæteris Christianæ religionis ecclesiis in censu temporalitatis exuberans, tanta prærogativa refloruit

[1] From MS. C.C.C. Cant. 107, § 10, f. 94. *b.*

libertatis, quæ ab impositionibus et provisionibus ratione curiæ libera dudum extitit et immunis adeo, quia ipsius peculium manus non exigit exterorum, incolis regni, filiis suis proprie unientibus de eadem: quia tot oppressionibus atteritur et provisionibus laceratur, quod, sitientibus propriis, lac porrigere cogitur, proh dolor, alienorum et extraneorum usibus, ac genti ignotæ perfectibus ampla sua cedunt patrimonia, quæ pia procerum regni devotio pro divini cultus augmentatione et ministrorum ecclesiæ ac pauperum Christi sustentatione duxit devotissime conferenda, quæ jam contra fundatorum voluntatem occupant perperam, non tantum ignoti, sed plerumque capitales inimici, remotarum incolæ regionum, qui non tantum nituntur vellus evellere, sed vultum pecoris non agnoscunt, linguam non intelligunt, animarum curam negligunt, et tamen pecuniam in magnam regni depauperationem colligunt et asportant.

Et nisi celeriori remedio occurratur, cautius ex adverso, per reservationes, provisiones, impositiones, et processus sedis Apostolicæ quæ propter nimiam Anglorum patientiam, imo verius stultitiam, indies nimium invalescunt, constituetur, quod absit, perpetuo sub tributo, quæ libera fuit ab antiquo. Advertat igitur nobilis militia Anglicana, ac etiam Londoniæ et totius regni communitas tam præclara, præcelsæ suæ matris injuriam, et resurgat viriliter ad repulsam. Videat et intelligat si deceat et expediat, ut sicut boves juga et oves vellera non sibi sed aliis deferunt, sic Anglici conversi ferant, vel ut alii metant quod ipsi severant, et sic cibum sibi vendicent qui minime laborant. Et ut, cessante totius orbis terrarum obloquio, denigratum, proh pudor, Anglorum nomen ingenuum primævos posset honoris titulos inducere, Deoque laudabilis officiari valeat in divinis, et regnum ex his fiat potentius in adversis contra provisorum manus et molimina et conspiratas perversorum malitias, qui cupiditatis oculos

in Angliam injecerunt, armetur effectualiter potentia secularis, ut exclusis prorsus provisionibus hujusmodi crescat in Domino regni sacerdotium, et illius thesaurus Anglorum perfectibus conservetur; quod revera non tantum ad ineffabile regni commodum et ipsius populo ad gloriosos laudis titulos perpetuo recolendos, sed ad immensum cedet meritorum cumulum apud Deum.

GLOSSARY AND INDICES.

GLOSSARY.

A.

ARIETUM ELEVATIONES, 74, 162. A sort of Quintaine. *See* Kennett's Parochial Antiquities, Glossary.

B.

BOTRUS, 402. A cluster of grapes.

BRAVIUM, 162. A prize.

C.

CATACLYSMUS, 434, *i.e.*, κατακλυσμός. A deluge.

CONFOTIO, 75, 196, 310. Nourishment.

D.

DECANUS CHRISTIANITATIS, 266. Rural dean. Decanus episcopi has the same meaning ; thus Grosseteste speaks of Decanus noster, 294. Decanus seems also to have been applied to the head of a religious house, 103, as the abbat of Abingdon was also rector of St. Helen's. *See* Taxatio Papæ Nicolai, anno 1290.

F.

FOCARIA, 317. A concubine.

I.

IMMINUTUS, 307, 359. Diminished.

INCOMPASSIBILIS, 377. Incompatible.

M.

MIRACULA, 317. Miracle-plays. *See* Matt. Par. *Vitæ viginti trium Sancti Albani celebratum*, p. 56: " Quendam ludum de Sancta " Katerina, quem miracula vul- " gariter appellamus."

O.

OBAUDIRE, 340. To disobey.

R.

RECIDIVARE, 147. To fall back again; return.

S.

SCOTALES, 73, 162, 317. The best explanation of this word as used here seems to be Spelman's: " Compotatio, emungendæ pecu- " niæ gratia, vicinis advenisque " a quolibet exhibita." *See*, however, Mr. Riley's Glossary to the *Liber Custumarum*, ii. p. 761.

T.

THECA, 191, *i.e.*, θήκη. A chest for containing relics.

INDEX

TO THE

NAMES OF BISHOP GROSSETESTE'S CORRESPONDENTS.

N.

O.

P.

The names of the livings given in the above index are taken from the presentations in the rolls of the bishops of Lincoln, of which there are copies in the British Museum, MSS. Harl. 6950–6954, and the Bodleian Library, MSS. R. Dodesworth, 107.

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LONDON:
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For Her Majesty's Stationery Office.

The following ERRATA in the Chronicle of BARTHOLOMEW DE COTTON have been observed by myself or others since its publication.

Page 104, l. 30. *read* "Landford, manno (palefrido)." The chronicler is copying from the same source as Oxenedes, and thinking *manno* obscure, put *palefrido* in the margin to explain it, and thence the scribe put it into the text, and joined *manno* to *Landford*, as if one word.

Page 110, l. 25, "eorone *or* erone." A friend has suggested to me that this is a blunder of the scribe for *corone*, Becket's crown at Canterbury.

Page 145, l. 28, *for* "congregavit. Et" *read* "congregavit, ut."

Page 215. The sultan's letter to Hayton II. has been printed from a different MS. at the end of Hearne's Adam de Domerham, pp. 727–9.

Page 355, l. 23, *for* "Wincestreschire" *read* "Wircestreschire."

Page 371, l. 3. *for* "provincialis" *read* "Provincialis."

Page 447, col. 2, l. 10, *read* "Stranlingum, 177. The fur of the squirrel. *See* Riley's Glossary to the Liber Custumarum, p. 829."

INDEX.

Page 466. Falcasius. *Dele* "Count of Perche, killed," and *insert* "(Fulk de Breauté.)"

Page 474, *for* "Landfordman" *read* "Landford."

Page 482, *insert* "Perche, Count of, killed, 107."

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